

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, JANUARY 8, 2007, 7:00 P.M.

Chairman Jirik called the January 8, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

STAFF

PRESENT: Senior Planner, Jeff O'Brien; Planners Stan Popovich and Damir Latinovic, Public Works Asst. Dir. Mike Millette

VISITORS: **5300 Walnut:** Lorraine Tresnak*, James Kuta, Helen Kuta, Marilyn Hannapel, Emily Rakas, Charlotte Davidge, Marie Riggio, George Weldon, Joyce Weldon, Martha Simmons, Dave Anderson*; Barbara McLellan*, Cameo Board Pres., **5400 Walnut:** Darlene Benson*; **5540 Walnut:** Ralph Gray*; **2800 Maple Cameo:** Barbara Brueske, Cameo Board Vice Pres., Joan Olson, Francis Bauer, Terry Brauge, Eugenia Gorski, President*; Dan Banks*, **2105 Ogden;** Al Sadona*, **2105 Ogden;** Vince* and Michelle Loccoco, **2101 Ogden;** Mike Cook*, C. M. LaVoie; Gary Mori, Hamilton Partners, 1901 Butterfield Rd., Beth Simmons, Hamilton Partners, 1901 Butterfield Rd.; James J. Russ, Jr.*, Atty., 4915 Main St., Downers Grove; Joseph Anderson, DMS, 420 Cutters Mill, Schaumburg; Aarti Kotak*, DLA Piper US LLC, 203 N. LaSalle St., #1900, Chicago (* People who spoke)

Chairman Jirik extended a Happy New Year to all and led the commissioners in reciting the Pledge of Allegiance.

DRAFT MINUTES OF THE DECEMBER 4, 2006 PLAN COMMISSION MEETING WERE APPROVED ON MOTION BY MR. COZZO, SECONDED BY MR. MATEJCZYK.

MOTION CARRIED BY VOICE VOTE OF 9-0.

Chairman Jirik reviewed the protocol for the meeting and swore in those individuals who would be speaking on File No. PC-49-06

FILE NO. PC-49-06 A petition seeking a Special Use for a Construction Debris Recycling Facility for property located on the West side of Thatcher Road, commonly known as 5240 Thatcher Road, Downers Grove, IL (PIN 08-11-407-037); James F. Russ, Jr., Attorney/Petitioner; Joseph Anderson, Owner

Mr. Damir Latinovic, Village Planner, explained the property was just east of the I-355 Corridor and zoned M-1 for Light Manufacturing. The site was 42,785 square feet. The property, formerly home of an auto supply plant, contained an approximately 18,825 square feet building with warehouse and office spaces. A recycling facility is proposed within the existing building that will recycle construction debris and will operate as a transfer station for sorting out and reclaiming steel, cardboard, concrete, paper, drywall, wood, etc. According to State law, the facility will have to recover a minimum of 75% of the material intake per day that must be separated within a 48-hour

period. The site will be protected by having all of the loading, unloading and sorting of materials take place inside the existing building. The trucks coming to and leaving the site will be covered. No zoning variations will be necessary. The site plan submitted does not provide enough required parking and, therefore, one of staff's conditions will require the petitioner to provide a new site plan with 27 parking spaces. All environmental regulations of the Zoning Ordinance will be complied with, and staff has required the petitioner to submit a certified report that those standards and State standards are reached. The second report will be required after one year. The facility will be required to comply with the Sign Ordinance. If there are any changes to the site, the petitioner will be required to resubmit new site engineering plans. If changes are made to the existing water system, it will need to resubmit those changes. Water will be used to suppress dust when trucks are unloading. The Sanitary District has reviewed the petitioner's plan and has approved the concept plan. The petitioner will be required to conform to all stormwater and site improvement regulations prior to the issuance of the building permit.

The Fire Prevention Division of the Fire Department has reviewed the plans and adequate access to the site exists. The proposed building renovation will have to comply with the current Fire Prevention and Life Safety Code when applying for permits. The petitioner has stated the proposed facility will be adequately ventilated to control vehicle emissions and dust through the use of exhaust fans. No neighborhood comments have been received. Standards for approval of the Special Use were noted, and staff recommended approval subject to the conditions in its report.

Mr. Matejczyk asked for the qualifications of the "qualified" person who was to submit the certified report and was concerned that the person met the qualifications, wherein Mr. Latinovic explained the Village staff would review and evaluate the report to determine if the report qualified or not.

Hours of processing were explained in more detail. An estimate of approximately 20 to 25 trucks per day would travel to the site. As to staff's recommendation number 5, Ms. Rabatah inquired why there were no more required submitted reports after one year, where in Mr. Latinovic said the facility was strictly regulated by the State. A copy of the State's report would not be provided unless the Village requested it. Concern was raised on how incoming loads would be inspected, who would inspect them, and how the environmental controls of facility would be enforced.

Mr. Latinovic stated it would be up to the neighbors to file a complaint if there were concerns. Mrs. Hamernik added the Illinois Environmental Protection Agency would also be policing the facility, which was an extra layer of enforcement.

Petitioner, Mr. Jim Russ, 4915 Main Street, Downers Grove, introduced Mr. Joe Anderson, owner and petitioner for the facility. Mr. Russ confirmed he was seeking a Special Use for a recycling center, but it was more of a sorting transfer station. Processing would take place at other locations. No liquids or noxious odors would be brought in. He stated the State of Illinois would regulate the facility and records would be kept. Details of the sorting followed. Mr. Russ stated the petitioner would not oppose providing a copy of the State's report to the Village on an annual basis. Mr. Russ confirmed all hauling and operations would be done inside the facility, and the ventilation system would meet Village standards. Noise levels would meet the Village's Noise Ordinance. Mr. Russ reviewed in detail the Special Use requirements found under Section 28.1902 stating that the petitioner met them. Mr. Russ further added that Mr. Anderson had a facility in Des Plaines, but it was closed due to the O'Hare Airport expansion. He reiterated the petitioner was very experienced with this type of facility. Mr. Russ asked for a positive recommendation.

Petitioner, Mr. Joe Anderson, 4805 Highland, Downers Grove, discussed the importance of his recycling business in general and spoke of its environmental benefits. He acknowledged he had to be a good neighbor, and he was a good neighbor in Des Plaines and never received one complaint. He has been in the business with his brother for 25 years and suggested the Commissioners contact the Village of Des Plaines. Approximately 30 truck will arrive at the facility per day. He acknowledged the nearby condominium building could be an issue but reiterated he wanted to be a good neighbor since he and his family reside in the Village.

Per a question from Mr. Matejczyk, the petitioner explained the truck route to and from the facility on a map and the hours the trucks would begin to arrive, hoping not to disturb the neighbors. Dialog followed that Mr. Anderson's drivers were controlled and any contractors were pre-approved, credit checked, and managed through him.

Chairman Jirik inquired as to why the road pattern had to end at eight o'clock, wherein Mr. Anderson indicated for his own drivers, it was easy to control and he had no problem with the truck route. Mr. Matejczyk believed the southern route was more of an issue than the northern route. Approximately 10 to 12 employees would work at the site. The number of trucks queuing would be two trucks with a third pulling into the parking area. Any plastic material would be bailed and stored in a stock area until there was enough for a truckload which would be about two months. Regarding the 25% of non-recycle material, Mr. Anderson explained that it was hauled and sent to a landfill. Asbestos was not an issue since most of his work involved new construction waste.

Chairman Jirik confirmed with Mr. Anderson that he was only authorized to take construction and demolition debris as described under Illinois State Statute 415 ILS 5/3.160. The Chairman noted the facility was not a pollution control facility, the Commission was not granting siting approval, and the county contained over 700,000 residents. Regarding the performance requirements, he confirmed that the sorting had to take place within 48 hours and within 72 hours non-recyclable, general construction/demolition materials had to be gone from the site. Mr. Anderson indicated in general practice, those non-recyclable materials were gone within 10 hours. He further confirmed with the Chairman that he had not yet filed the necessary papers with the State EPA since local approval was needed first. Crushing and grinding would not take place at the facility; however, some sawing and compaction would take place.

Continuing, Mr. Anderson said during the cold months the trucks will be plugged in the prior night to minimize idling. Particulate sensors were explained. Per the Chairman's question, a bag house was considered for employee protection, but Mr. Anderson explained that more noise resulted with a bag house than with the fan ventilation system. Chairman Jirik discussed some of the other sensor alternatives with which he was familiar. Comments followed on the proximity of the condominium complex to the proposed facility.

Chairman Jirik opened up the meeting to public comment.

Mr. Ralph Gray, 5540 Walnut (Cameo Complex), Downers Grove, stated he is the Committeeman for Lisle Precinct No. 5 and noted the facility will be in the center of his precinct. He stated five buildings are in the complex with 120 units per building. For the past 10 years, he has tried to have the Village reclassify the western section of Thatcher and Walnut Avenue as commercial. Currently

it was zoned for manufacturing. He stated the area was zoned residential and the current zoning classification did not appear before the Commission. He expressed concern that the Village was not knowledgeable in the type of facility that was going to be installed, and he wished the Village had come forward with the correct explanation of the facility. Mr. Gray stated he had been notified of proposals in the area prior to the public hearing in the past. He stated the lack of communication from the Village to him led to rumors about the project. Due to these incorrect rumors about the nature of the business, nine units in his building have been for sale and have not yet sold. He emphasized better communication was needed with the Village since the facility may affect property values.

Mr. O'Brien explained no one on the planning staff was contacted by the neighbors about the petition. He noted staff is happy to discuss a petition with neighbors once the notice has been published and sent to neighbors. Mr. O'Brien stated staff is more than happy to meet with the residents to discuss issues in their neighborhoods at any time.

Ms. Lorraine Tresnak, 5300 Walnut, Unit 14D, Downers Grove, provided materials to the Chairman. Ms. Tresnak believed the petition would affect property values. On behalf of many of the unit owners, she had a petition with 290 signatures opposing the Special Use. She discussed the area's zoning and expressed concern about the proximity of the facility to the condominiums, the amount of trucks going in and out of the site, the increased traffic going to the industrial park, concern about noxious odors, and diminished property values. She asked that the Commission deny the permit.

Mr. Dave Anderson, 5300 Walnut, Downers Grove asked about the hours of operations and voiced concern about controlling the travel route. He believed the facility would affect property values for 120 condominium units. He asked for clarification of the earlier statement of "no trucks parked outside".

Ms. Darlene Bensen, 5400 Walnut, representing the Terraces Condominiums, Downers Grove, asked if other locations were considered in Downers Grove. She expressed concern about property values, rodents, increased traffic, air quality, and drivers not following the traffic routes. She stated the truck drivers could not be controlled by Mr. Anderson. She presented signatures to the Chairman.

Chairman Jirik asked for additional comments. There were none and the Chairman closed the public comment portion of the meeting.

Petitioner Anderson responded to the above questions. He explained an extermination company visits the site monthly for rodent control, the tarping of the trucks is automatic and required by State law and hours of operations were from 5:00 a.m. to 6:00 p.m. Other locations for the facility were considered. Three trucks will be parked outside with heaters in cold months, and six empty dumpsters will be ready for the next load. Odors do not occur due to the material being construction material and not organic. The character of the truck drivers is top notch, and they are union drivers. He confirmed the name of his company is "Disposal Management Systems."

Chairman Jirik re-opened up the public comment portion of the meeting.

Mr. Dave Anderson stated if the petition was approved, a start time of no earlier than 7:00 a.m. be instituted.

Ms. Barbara McLellan, 5300 Walnut, 13D, Downers Grove, expressed concern about noise from the trucks, the traffic, and the dirt and air quality. She questioned whether he would like to live near his facility. She inquired how trucks would be alerted when another truck was waiting to enter the facility. Mr. Anderson stated cameras were used.

Ms. Jean Gorski, 2800 Maple, President of the Condominium Cameo West Association, stated a number of residents have made improvements to their units, and she hoped that she and others could make a profit from the sale of their units. She was told the facility was a recycling facility but was told tonight that it was a separating facility. She asked for clarification between the two. She inquired where the materials were coming from, wherein Mr. Anderson stated the material would come from a 25-mile radius.

Ms. Lorraine Tresnak, 5300 Walnut, 14D, Downers Grove, pointed to a driveway on the map noting it was the driveway to the 5400 Terrace building. She stated much traffic used the driveway as a cut-through. Safety was a concern.

Chairman Jirik interjected and asked Ms. Tresnak for more specifics on how some of the issues would affect the quality of life, wherein Ms. Tresnak stated a number of residents already walked around with oxygen tanks and the diesel trucks from Interstate 355 emitted dirt and soot as seen on her fourth floor unit. She raised concern about traffic flow and that residents would have to follow the same route as the truck traffic.

Ms. Jan Gilloti, 5300 Walnut, Downers Grove, resides in the first condominium close to where the facility is proposed. She expressed concern about truck pollution and did not support the proposal.

Ms. Darlene Bensen mentioned that much traffic cuts through the industrial park already. She has seen a number of trucks cut through the complex using the driveway to get to Walnut. She voiced concern about safety in general due to families with children. She stated her complex was already signed as "private property".

Mr. Ralph Gray, 5540 Walnut, mentioned traffic studies for Walnut were taken noting much traffic has been identified as traveling to the Belmont commuter station, and backups were occurring on Walnut. Adding to more traffic was a concern.

There being no further public comment, Chairman Jirik closed the public comment portion.

Petitioner, Mr. Russ, did not have any closing comments.

Dialog followed that the petitioner should have better communicated to the residents the type of facility being considered. Questions also followed on whether No-Truck signage for Thatcher (east/west portion) could be installed so that trucks could avoid the area. Mr. O'Brien stated staff could look into designating the east-west leg of Thatcher as a no-truck route as well as the signage matter.

Per a question on uses for the site, Mr. Latinovic explained a number of uses could utilize the site and not require a Special Use permit, including such uses as an auto supply plant, production, processing, cleaning and repair, carpet production, insecticides, labs, medical/dental research, etc.

Mr. Waechtler stated after having driven the site, he agreed with Mr. Matejczyk that enforcement for the area was a concern. His issues concerned truck tarping, controlled traffic in the area, garbage thrown into the dumpster, and control over contract drivers. He explained another use could go into the site. He believed the proposal caused a hardship on the residents, and the use was not appropriate due to the residents in the area.

Chairman Jirik pointed out the area was the last property in the manufacturing zoning and was a transition between manufacturing zoning and residential zoning.

Mr. Beggs also reviewed the numerous uses that could go into the site without a Special Use permit, noting the same amount of trucks could enter and exit the facility. He indicated the only reason why "recycling" was under the Special Use category of the ordinance was because it allowed for the review of odors or other difficult issues in garbage processing, etc. However, he saw no difference between what the petitioner was proposing and the use that could be made of the property without a permit. Mr. Matejczyk also concurred with Mr. Beggs' statements. Mr. Cozzo, while he did have initial concerns and was sympathetic to the residents, after hearing the testimony, stated he would support the petitioner. Mr. Webster saw the difficulty in that a residential district was next to a manufacturing district. He supported the petitioner in that he was doing everything he could to operate his business within the law. He supported the petitioner because Walnut Avenue would not drastically change due to one type of business. He would leave it up to the Village Council to see if the business on this specific lot was appropriate for the area. Mrs. Hamernik noted the petition met the four requirements of the Special Use. Mrs. Rabatah believed the Village should address and accommodate the concerns of the senior citizens and require a special truck route. She also requested that the petitioner provide a copy of the IEPA's report on an annual basis and provide initial enforcement of the trucks whether they are tarped, etc.

Chairman Jirik also agreed a manufacturing zoning district next to a residential zoning district required the review of the Special Use, but stated the facts and laws had to be considered in order to vote on the petition. He was pleased to see the petitioner was taking steps beyond State requirements. However, his main issue was traffic and that exceptional measures are taken to make the trucks travel north.

Mr. Waechtler stated he would vote against the petition because it would not contribute to the public convenience and general welfare of the community; the use would be detrimental to the health, safety, morals and general welfare to the persons living in the area. He also noted under the Village's Strategic Plan, this Commission had a responsibility to the residents' concerns.

WITH RESPECT TO FILE NO. PC-49-06, MR. BEGGS MADE A MOTION TO RECOMMEND FAVORABLE APPROVAL OF THE PETITION SUBJECT TO THE FOLLOWING STAFF CONDITIONS:

- 1. THE DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE SITE PLAN DATED APRIL 24, 2006 EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**

2. MATERIALS ACCEPTED AND RECYCLED SHALL BE LIMITED TO CONSTRUCTION AND DEMOLITION DEBRIS (STEEL, CARDBOARD, CONCRETE, PAPER, CLEAN DIRT, WOOD, DRYWALL AND PLASTIC). ANY OTHER MATERIAL (I.E., REFUSE, YARD WASTE, ETC.) ACCEPTED AT THE FACILITY FOR DISPOSAL WILL VOID THIS APPROVAL, AND THE FACILITY WILL BE UNDER VIOLATION.
3. THE SPECIAL USE APPROVAL IS FOR DISPOSAL MANAGEMENT SYSTEMS, INC. ONLY. ANY OTHER RECYCLING USE LOCATED AT 5240 THATCHER ROAD WILL HAVE TO OBTAIN A NEW SPECIAL USE APPROVAL PER THE REGULATIONS OF THE CURRENT ZONING ORDINANCE.
4. DISPOSAL MANAGEMENT SYSTEMS, INC. SHALL MAINTAIN RECORD KEEPING OF LOAD VOLUMES (IN AND OUT), CONTENTS, AND DESTINATIONS.
5. THE PETITIONER SHALL SUBMIT A REPORT, ACCOMPANIED BY AN AFFIDAVIT OF A QUALIFIED PERSON, DEMONSTRATING THE OPERATIONS AT THE NEW FACILITY COMPLY WITH ALL LOCAL AND STATE REGULATIONS FOR NOISE, SMOKE AND PARTICULATE MATTER, ODORS, AND TOXIC OR NOXIOUS MATTER, SIX MONTHS AFTER THE OCCUPANCY PERMIT HAS BEEN ISSUED AND ONE YEAR AFTER THE FIRST REPORT HAS BEEN SUBMITTED.
6. PRIOR TO THE COMMENCEMENT OF THE BUILDING RENOVATION, THE APPROPRIATE PERMITS SHALL BE OBTAINED FROM THE APPROPRIATE PERMITTING AUTHORITY. THE FOLLOWING COMMENTS SHALL BE ADDRESSED ON THE PLANS PRIOR TO THE COMMENCEMENT OF ANY SITE ACTIVITIES:
 - i. IF ANY SITE IMPROVEMENTS (GRADING, PAVING, ADDITIONS TO THE EXISTING STRUCTURE, ETC.) ARE PROPOSED, A SITE ENGINEERING PLAN IS REQUIRED COMPLETE WITH DIMENSIONS AND LOCATION OF THE PROPOSED WORK AS WELL AS PROPOSED GRADING PLAN.
 - ii. IF ANY IMPROVEMENTS ARE PROPOSED TO THE EXISTING WATER SYSTEM IN THE FACILITY, A COMPLETE ARCHITECTURAL WATER DIAGRAM SHALL BE PROVIDED TO DETERMINE IF THE EXISTING WATER SERVICE WILL ADEQUATELY SUPPLY THE BUILDING.
 - iii. ALL RPZS ON THE INCOMING WATER SERVICE WILL NEED TO BE UPGRADED, INSTALLED AND TESTED AS PER THE MUNICIPAL CODE, SECTION 25.56.
 - iv. A NEW SITE PLAN WITH REQUIRED NUMBER OF PARKING SPACES FOR THE PROPOSED BUILDING USE SHALL BE SUBMITTED PRIOR TO ISSUANCE OF THE BUILDING PERMIT.
7. THE PETITIONER SHALL ADVISE ALL DRIVERS THAT NO TRUCKS BE ALLOWED ON THE EAST/WEST LEG OF THATCHER ROAD AND SUBMIT A TRAFFIC CIRCULATION PLAN PRIOR TO VILLAGE COUNCIL CONSIDERATION.
8. THE PETITIONER SHALL SUBMIT THE IEPA REPORT TO THE VILLAGE ON AN ANNUAL BASIS.
9. NO GRINDING OR CRUSHING SHALL BE PERMITTED ON SITE. ONLY COMPACTING AND SAWING OF MATERIALS SHALL BE PERMITTED.

SECONDED BY MR. MATEJCZYK.

Discussion followed on whether the petitioner should submit a traffic plan prior to the Village Council meeting. Mr. Beggs believed more restrictive conditions should not be imposed on the petitioner when other businesses did not have the same restrictions.

ROLL CALL:

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

NAY: MR. WAECHTLER

MOTION PASSED. VOTE: 8-1

Mr. Waechtler explained he voted nay because the petition would not contribute to the public convenience and general welfare of the community, and the use would be detrimental to the health, safety, morals and general welfare to the residents living in the area.

FILE NO. PC-01-07 A petition seeking 1) Final Planned Development Approval for an Auto Dealer on Ogden Avenue – P.D. #44 Ultimate Motor Cars; 2) Street Right of Way Vacation for property located on the South Side of Ogden Avenue at the Intersection of Ogden & Pershing Avenues, commonly known as 2101 & 2055 Ogden Avenue, Downers Grove, IL (PIN Nos. 08-01-405-006, 08-01-406-002; Vincent M. Loccoco, Jr. & Michelle Loccoco, Petitioners/Owners

Chairman Jirik swore in those individuals who would be speaking on File No. PC-01-07.

Mr. Stan Popovich, Village Planner, confirmed the request was for a Special Use for a vacation of street right-of-way. The property is located at the intersection of Pershing and Ogden Avenue, zoned B-3, and is an auto dealership, which is an allowable Special Use. The owner currently owns 2101 Ogden Avenue and leases 2055 Ogden Avenue. The property owner of 2055 Ogden Avenue has submitted a letter with the proposal and has sent approval of the proposal, as stated in the report. The petitioner currently uses 2055 as an office building and display space for the dealership. The petitioner recently purchased 2101 and will renovate the building into a showroom and offices. Long-term, the petitioner plans to purchase 2055 Ogden Avenue, has a right of first refusal on the purchase, has the right to raze the building, and will use the entire lot as a dealership. The petitioner is requesting a vacation of the Pershing Avenue right-of-way to better utilize the two parcels. Pershing is not a through street off Ogden Avenue. Due to the condition of the Pershing stub, it has been used as a parking lot without any through access.

Per the Village’s Right-of-Way Vacation Policy, the utility companies were contacted as well as the DuPage Water Commission due to a large watermain on north-south Pershing Avenue. Commonwealth Edison has poles and lines running north-south along the west side of the right-of-way. The Village recommends retaining an easement over the entire width and length of the right-of-way. As a condition of approval, the Village will require that no display cars be parked on the east side of the vacated right-of-way, which is above the existing water utilities. The Village will also require the petitioner to indemnify the Village and DuPage Water Commission from any

damages caused by the water utilities within the vacated right-of-way. The petitioners were informed of these requirements and did not object to the easement and indemnification.

Due to the right-of-way vacation, the petitioner can utilize the two parcels and vacated right-of-way as a single site, which allows for a more efficient site design layout. The petitioner is proposing to utilize the Pershing Avenue curb cut onto Ogden Avenue as their primary access. Two curb cuts along Ogden Avenue that currently serve 2055 and 2101 Ogden Avenue will be removed. The proposal provides for a landscaped area along the entire length of Ogden Avenue and includes both plantings and lawn. A brick paver walkway will be installed in front of 2101 Ogden Avenue, which will serve as both pedestrian and vehicular access to the showroom. A Code-compliant monument sign will replace two non-compliant signs and be located within landscape plantings. The proposed landscaping meets the zoning requirements for landscaped open green space.

The existing Ogden Avenue sidewalks will be maintained and extended through the vacated right-of-way. An existing sidewalk on the east side of the Pershing Avenue right-of-way will be maintained as well. A sidewalk easement will be granted by the petitioner to allow public access to Ogden Avenue along the Pershing Avenue sidewalk. The petitioner has been informed of this requirement and does not object to the sidewalk easement language. A fence will be constructed across the south end of the vacated Pershing Avenue right-of-way but will not block the existing sidewalk. The fence will not be flush with the ground to allow for positive storm water drainage as noted below.

Semi-truck deliveries will be able to unload vehicles by pulling into the vacated right-of-way and use a three-point turn to exit the site. Staff finds the proposal consistent with the Future Land Use Plan (FLUP), the Zoning Ordinance, the Sign Ordinance and the Ogden Avenue Master Plan. Mr. Popovich noted that stormwater will also be improved on the two sites. As a condition of approval, the petitioner shall be required to work in conjunction with the Village's engineers to tie into the stormwater facilities to improve drainage and work as one system. The property currently provides adequate emergency access.

Staff has received three public comments, one from the tenant of 2105 Ogden Avenue who uses the property as an automobile dealership and U-Haul truck rental. The tenant has indicated he will lose a substantial amount of business due to the street vacation. While staff finds this is a valid concern, the Village could at any point convert the alley from a gravel corridor into a green space corridor if it was determined to be a necessary Village improvement. The portions of alley immediately east and west of this alley segment are green spaces. The Ogden Avenue Master Plan calls for the closing of minor stub streets as well, and the Village's Strategic Plan calls for the creation of vibrant commercial corridors. This planned development will assist in creating the vibrant corridors the Village desires.

Staff spoke to a neighbor, Ms. Ruth Gale who resides to the south, who inquired about vacating the alley, the fence, and a door. Staff clarified the issues for her and Ms. Gale did not offer any objections to the project.

Per the Village's right-of-way vacation policy, the Village Council has the right to determine compensation for the vacation. This is the first stub street the Village would vacate. Staff provided a compensation calculation, but was not asking the Plan Commission to make a recommendation on

the amount of compensation for the right-of-way at this time. Overall, staff recommended approval subject to the conditions in its report.

Discussion followed on how this proposal compared to another prior development at 4401 Belmont Road, wherein Mr. O'Brien explained the Village was trying to capture some of the water sheet draining off the property and into the storm sewer network. It was noted the alleys behind 2101 and 2055 Ogden Avenue were not being vacated. Green space for the site was pointed out. Details followed on the indemnification of the Village and the DuPage Water Commission as to water main issues. Any damage caused by the watermain would not be the responsibility of the Village or DuPage Water Commission. The number of parking spaces was confirmed as remaining the same. Mr. Webster expressed concern about the turning of trucks and preferred to see a truck-turning template.

Regarding the timing of the proposal, Mr. Popovich explained in the short-term the Special Use and Planned Development would be approved and if any building changes were made to the two addresses, they would have to come in for the building permit and review process. In addition, the petitioner would be renovating 2101 Ogden Avenue to showroom and offices and would then move his main facility from 2055 to 2101 wherein improvements along Ogden Avenue would have to take place followed by improvements to the parking lot. At some point in the future when the 2055 building is purchased, the petitioner would raze the building, and the demolition would have to go through the Village for review and permit and comply with the plans submitted. As to the timing, the petitioner had a period of one year to begin the permit process. Mr. O'Brien indicated in order for the petitioner to get the building permit, the improvement to Pershing would have to be made before 2101 is renovated. The timing of when 2055 was razed was a function of when the petitioner received full control of the property. When that occurred, Mr. O'Brien explained the petitioner would have to receive a permit for the demolition of the building, but would not have return to the Plan Commission unless the plans deviated from the current proposal. The majority of the improvements would have to be completed before receiving an occupancy permit.

Chairman Jirik confirmed with staff that the owner of 2055 did not object to the vacation. Per Mr. Webster's question, Mr. Popovich could not confirm the steps for the capital improvement plan for the alley.

Mr. Mike Cook, C.M. LaVoie & Associates, 4941 Forest Avenue, Downers Grove, representing the petitioners, Vince and Michelle Loccoco, owners of 2101 Ogden, explained the petitioners were seeking a Special Use permit, a PUD, and vacation of right-of-way as discussed by staff. Currently the petitioners operate Ultimate Motor Cars at 2055 Ogden Avenue. They purchased the site at 2101 Ogden, formerly the Ziebart building, to expand operations and to be a show room. No maintenance operations would take place at the 2101 buildings. The current lease arrangement for 2055 Ogden has four years remaining. However, the petitioners would like to approach the current property owner to tear down 2055 Ogden immediately. In regards to the vacation of right-of-way, Mr. Cook confirmed the display vehicles would be on the west and employee and customer parking would be located on east side of Pershing Avenue. The vacation of the right-of-way would become an opportunity enhancement. Mr. Cook stated the petitioner would like to enhance the area as it moves forward and not work piecemeal. Some of the improvements to the building would include new windows, some awnings, and some exterior updates to the building. He agreed to the requirements of the Special Use as referenced in staff's memo.

Regarding the difference in parking spaces, it was a matter of a reduction of display vehicles. No outdoor speaker systems would be used. A request for a photometrics plan was made.

Chairman Jirik opened up the meeting to public comment.

Mr. Dan Banks, tenant of 2105 Ogden Avenue, West Automart, expressed concern that if the alley were blocked, he would lose half his U-haul business and lose his business entirely. He would like to see a portion of the road remain open so he can get his trucks out to Pershing. He demonstrated the turning movement on the map, which was the only way the trucks could be maneuvered. He discussed the matter with the applicant. It was also noted by staff that a formal stormwater plan was not developed yet.

Mr. Al Sadona, 2105 Ogden, property owner, stated if the petition is approved, it would affect his tenant's business, decrease his property value, and it was not fair for one business to flourish while one fails. He wanted something to be worked out with all the parties.

Being no further comments, Chairman Jirik closed the public participation portion of the hearing.

Mr. Matejczyk asked the petitioner if he would be willing to allow access from 2105 to Pershing Avenue since that access was needed to get out onto Ogden Avenue.

Mr. Vince Loccoco, 2101 Ogden Avenue, Downers Grove, petitioner, stated the matter was discussed with the Village, who, in turn, advised he would not be able to get the project done without vacating the street. By vacating the street, there would be no public vehicular access through the street. In addition, he was of the understanding the Village was trying to remove the dead-end streets. The alley to the south and east of him was being used by a neighbor business called DNDC. The grass alley directly south of 2055 Ogden is still a Village right-of-way, but is not in use as an access point.

Discussion followed among the Commissioners on some of the uncertainties in terms of the stormwater and the vacation of a right-of-way still being used. Chairman Jirik summarized the issue before the Commissioners was that two business were using one access. Conversely, Mr. Webster pointed out the right-of-way was not being used in the use envisioned by the Village's Master Plan, and it only benefited one parcel. Further dialog followed that it was creating a hardship. The issue of a cross-access agreement was brought up. A discussion followed on where the Public Works Department stood regarding the stormwater matter.

Mr. Mike Millette, Assistant Director of Public Works, explained Public Works staff was looking to reduce the sheet flow coming off the existing Pershing right-of-way and looking at an opportunity for a small basin should the area become vacated. Should the alley be abandoned, staff was looking at any method to slow the water down.

Mr. Dan Banks, 2105 Ogden Avenue, West Automart, discussed his site in more detail and explained the difficulty that trucks experienced when making turns on his property. Chairman Jirik envisioned the developed site would cause the same issues.

Mr. Vince Loccoco, Petitioner, added he has been at the site for a long time, this was what he was told and he was agreeable to the Village's terms. He was trying to improve the site and reduce

congestion. By putting his plan together, he thought it was an improvement to the area and met the Strategic Plan.

Asked if Mr. Loccoco would be open to “encourage” exploratory discussion between staff, the applicant, and the owners of the U-haul business in devising an access for the U-haul business, and include that information in the packet to Village Council, Mr. Loccoco was supportive. Asked if Mr. Loccoco would be agreeable to allow cross access to the U-haul business, he replied he wanted to continue the process of vacating Pershing Avenue per his original request. However, if there was more discussion needed, he was open to it; he also wanted an answer.

MOTION #1:

MR. BEGGS MOVED TO CONTINUE THE MATTER UNTIL THE NEXT SCHEDULED MEETING. MOTION FAILED FOR LACK OF A SECOND.

MOTION #2:

MR. BEGGS MOVED TO SEND AN UNFAVORABLE RESPONSE TO THE PETITION AND RECOMMEND DENIAL. SECONDED BY MRS. HAMERNIK.

Mrs. Hamernik reiterated she would only support the petition if the matter were resolved; Mr. Matejczyk concurred and stated he would have difficulty approving the petition until access through Pershing was approved. Discussion followed that the process stopped and that the petitioner would have to return and demonstrate no hardship to the business.

Mr. Cook agreed to return to the next scheduled meeting and come up with an agreeable solution for all parties involved.

MR. BEGGS WITHDREW HIS MOTION FOR DENIAL; MRS. HAMERNIK CONCURRED AND ACCEPTED THE WITHDRAWAL.

MOTION #3:

MR. WAECHTLER MOVED TO CONTINUE THE PETITION TO A DATE CERTAIN, THAT DATE BEING JANUARY 22, 2007, SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

MOTION APPROVED 9-0.

(The plan commissioners took a short break at 10:50 p.m. Mrs. Hamernik and Mr. Waechtler left the meeting. The commissioners reconvened at 10:55 p.m.)

Chairman Jirik announced Mr. Waechtler and Mrs. Hamernik had left, but a quorum was still present.

FILE NO. PC-02-07 A petition seeking 1) Final Planned Development Approval With Variations from Code – P.D. #45 Butterfield Square; 2) Final Plat of Subdivision for property located on the South side of Butterfield Road, approximately 390 feet West of Highland Avenue, commonly known as 1013 & 1021 Butterfield Road, Downers Grove, IL (PIN 06-29-302-006); DLA Piper US LLP, Petitioner; Kimco Select 695, L.L.C., Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-02-07.

Mr. Damir Latinovic, Village Planner, explained the property is zoned B-3 General Services and Highway Business and located on the south side of Butterfield Road approximately 390 feet west of Highland Avenue. The 7.28-acre site contained two attached buildings; a two-story Home EXPO Design Center with 97,209 square feet of floor area and a vacant two-story commercial building (formerly John M. Smith Homemakers furniture store) with 91,304 square feet of floor area. The petitioner was requesting the creation of a new Planned Development and a subdivision of the existing property into two lots. The 224,635 square foot Lot 1 would contain the Home Expo Design Center and the 92,504 square foot Lot 2 would contain the existing vacant building. The petitioner was not proposing any changes to the existing site plan and was requesting approval of a Final Planned Unit Development and approval of final plat of subdivision,

The petitioner was also requesting a variation from the Zoning Ordinance's off-street parking requirements to utilize shared parking. The petitioner is currently leasing the 65,720 square feet parcel owned by Northern Illinois Gas Company (NICOR), and using it for parking. In order to satisfy the parking requirements for the two proposed lots, the petitioner is requesting approval of the shared parking agreement between Lot 1 and Lot 2. The agreement will create an unrestricted access easement to the subsequent owners of newly created Lot 1 and Lot 2 for parking use, maintenance and repair of the parking lots.

The main purpose of the subdivision is to allow the sale of Lot 2. The proposed subdivision complies with the Village's land use policies. The proposed Planned Development will conform to all lot and bulk regulations associated with the B-3 Zoning District. Creation of the new Planned Development will allow the zoning requirements; i.e., open space and floor area ratio, to be calculated for the overall Planned Development and not for each parcel individually. Without the Planned Development, the structure on Lot 2 would become non-conforming because it would not meet the open space requirement or the FAR. The required building setbacks are calculated on each parcel individually. The proposed subdivision will result in two structures with a common wall located directly on the proposed shared property line that separates the two lots. There is no required side yard setback in the B-3 zoning district. The two structures will comply with the zoning requirement for the side yard setback. Both structures will maintain the same distance from the front and rear property lines.

The parking requirements were reviewed in more detail. With the new proposal, there is a need for more off-street parking, which is why the petitioner is currently leasing the NICOR gas property located immediately to the south of the subject property. Total parking on the lots is 469 parking spaces with a requirement of 468 spaces.

The petitioner is not proposing any physical changes to the existing site. Staff reviewed the site plan for the proposed subdivision and final planned development and stated that the two proposed lots satisfy the public utility easement requirements. The existing site plan conforms to all current

Village requirements. Any future changes to the existing site or buildings will require full staff review and compliance with Village Codes. The Fire Prevention Division of the Fire Department has reviewed the proposed plans and has provided no additional comments. The existing site plan meets all Village requirements for fire access and safety. Any future renovation of the site or buildings will have to comply with current Village regulations for fire prevention and life safety.

Per staff, no comments were received from the neighboring businesses or residents. Staff believes the proposed plan development and subdivision will be compatible with the surrounding area and will not have an adverse impact on the existing uses or the trend of development in the area. Staff recommended approval of the petition.

Discussion followed on the parking requirements of Lot 2 if it was used as retail, noting the requirement would be one space per 300 square feet. Mr. Latinovic did not know what future plans were being considered for Lot 2 but explained any changes made to the Planned Development would have to come before the Plan Commission and Village Council for review and for an amendment. Parking would be re-reviewed at that time.

On behalf of the petitioner, Ms. Aarti Kotak, DLA Piper, US, LLC, 203 N. LaSalle Street, Chicago, Illinois, addressed the Commission and reviewed the petition again. Ms. Kotak explained there has been limited interest among purchasers who wanted to purchase the space and not lease it. Ms. Kotak asked that the application that addresses the Planned Development standards be included as part of the record. As to shared parking, Lot 1 includes 279 spaces, Lot 2 includes 44, and the NICOR lot includes 146 spaces. Currently, the applicant was the landlord who handled the maintenance and expense of the parking area minus the NICOR premises. With the declaration, the maintenance and expenses would be split between the two owners based on area.

Questions followed that if the petition was approved, the NICOR lot would have to be used based on the various uses, unless a furniture store use came in. Discussion followed by Mr. Beggs on whether the Commissioners were attempting to change the Ordinance so that when a vacant lot is up for sale the Commissioners were going to agree to the most restrictive parking lot in order to facilitate the sale of the lot. He expressed his concerns stating there was no connection to an existing use. Mr. O'Brien clarified the petition was a variance to use a shared parking lot, not to reduce the number of parking space, and the petitioner chose to use the more restrictive parking calculation.

Chairman Jirik opened up the meeting to public participation. No public comments followed. Chairman Jirik closed the public participation portion.

MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND APPROVAL OF THE FINAL PLANNED DEVELOPMENT WITH VARIATION FROM CODE AND FINAL PLAT OF SUBDIVISION ASSOCIATED WITH PC-02-07 SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE PLANS PREPARED BY WOOLPERT, INC. DATED AUGUST 8, 2006, LAST REVISED OCTOBER 31, 2006, EXCEPT AS SUCH PLANS MAY BE CHANGED TO CONFORM TO VILLAGE AND/OR COUNTY CODES AND ORDINANCES;**
- 2. PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL**

SUBMIT A MYLAR COPY OF THE PLAT OF SUBDIVISION FOR SIGNATURE. PRIOR TO THE ISSUANCE OF CONSTRUCTION PERMITS, THE PETITIONER SHALL RECORD THE SIGNED PLAT AND RETURN THREE (3) COPIES TO THE COMMUNITY DEVELOPMENT DEPARTMENT; AND

- 3. THE PETITIONER SHALL SUBMIT A COPY OF THE FINAL EXECUTED AGREEMENT GRANTING ACCESS AND PARKING EASEMENTS TO EACH LOT AND PROVIDING FOR THE MAINTENANCE AND EXPENSE REQUIRED OF AND REMEDIES AFFORDED TO EACH LOT OWNER. ANY CHANGES TO THE DRAFT DECLARATION OF ACCESS AND PARKING EASEMENTS AND COVENANTS MAY REQUIRE STAFF REVIEW AND APPROVAL.**

SECONDED BY MR. QUIRK.

ROLL CALL:

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

NAY: MR. BEGGS

MOTION PASSED: VOTE: 6-1

Mr. Beggs stated he voted nay based on his earlier comments. He wanted to see what the parking requirements were in connection with a specific proposed use.

FILE NO. PC-05-07 A petition seeking Final Planned Development Amendment Approval for an addition to an existing office building – P.D. #31 Esplanade at Locust Point for property located on the North side of Woodcreek Drive, approximately 1,350 ft. Southeast of Birchwood Place, commonly known as 3131 Woodcreek Drive, Downers Grove, IL (PIN 06-36-202-014); Shigeru Mori, Petitioner; Esplanade at Locust Point-1 Limited Partnership, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-05-07.

Mr. Stan Popovich addressed the Commissioners and explained the petition was an amendment to the Planned Development for an addition to an existing office building at 3131 Woodcreek Drive. Proposed is a two-story addition to the east side of the building and an interior second floor mezzanine addition which will add approximately 32,000 square feet to the 46,000 square foot building. Renderings were displayed on the overhead screen. The addition and mezzanine will create a floor area ratio of 0.983 for the entire Planned Development. The maximum floor area ratio for this Planned Development is 1.0.

The east side addition will replace a 20-car parking lot and some landscaping. Some green space will be lost, but overall the Planned Development will have 36.9% green space. The requirement is for 20%. The addition will also include a new retaining wall, some new lawn area and new sidewalk. The road at the northwest corner of the property will tie into the existing parking lot to the west of the property. The road as it turns to the north will be reconstructed with some parking spaces to accommodate the lost parking spaces. The Planned Development has 300 more parking

spaces than required. The exterior of the addition will match the existing building. The proposal provides adequate utilities, but an existing water main and fire hydrant that run on the east side of the building will have to be relocated further east. In addition, the petitioner will be required to submit a stormwater report for the proposed improvements prior to receiving a building permit.

Mr. Popovich reported he just received correspondence today from the DuPage County Forest Preserve District, and they had no objections. Mr. Popovich offered to provide a copy of that correspondence to the Commissioners. In closing, he stated the proposal complied with the Villages land use plan, the Zoning Ordinance, Sign Ordinance and public safety requirements. Staff recommended approval.

Petitioner, Mr. Gary Mori, Hamilton Partners, 1901 Butterfield Road, stated he concurred with the staff report and was present to respond to questions. No questions followed from the commissioners.

Chairman Jirik opened up the meeting to public comment. No questions followed. Public Comment was closed.

Mr. Cozzo inquired about some elimination of parking spaces west of the garage, wherein Mr. Popovich clarified the existing parking spaces to the west side of the garage would remain since it was part of the overall development. Mr. Cozzo's only concern was whether it was necessary to insert the parking spaces because vehicles would back up into each other. Clarification of the floor area ratio followed which took into account the existing buildings and those planned in the future for the development, including the addition.

WITH RESPECT TO FILE NO. PC-05-07, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND APPROVAL OF THE AMENDMENT TO PLANNED DEVELOPMENT #31, ESPLANADE AT LOCUST POINT, FOR AN ADDITION TO 3131 WOODCREEK DRIVE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PLANNED ADDITION AND SITE IMPROVEMENTS SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED JANUARY 8, 2007; THE ENGINEERING IMPROVEMENT PLANS PREPARED BY COWHEY GUDMUNDSON LEDER, LIMITED DATED DECEMBER 8, 2006; AND ARCHITECTURAL PLANS PREPARED BY THE JENKINS GROUP DATED DECEMBER 8, 2006, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PETITIONER SHALL PREPARE AND SUBMIT A TABBED DUPAGE COUNTY STYLE STORMWATER REPORT FOR THE PROPOSED IMPROVEMENTS.**
- 3. TO SHOW THAT ADDITIONAL DETENTION WILL NOT BE REQUIRED FOR THE DEVELOPMENT, THE PETITIONER SHALL PREPARE AND SUBMIT CALCULATIONS THAT SHOW THE POND WAS DESIGNED FOR THE INCREASE IN IMPERVIOUS AREA DUE TO THE ADDITION AND EXPANDED PARKING AREAS**
- 4. PRIOR TO THE COMMENCEMENT OF SITE DEVELOPMENT ACTIVITIES, THE APPROPRIATE PERMITS (WATER, STORMWATER, SITE**

DEVELOPMENT, RIGHT-OF-WAY, ETC.) SHALL BE OBTAINED FROM THE APPROPRIATE PERMITTING AUTHORITY.

- 5. ALL NEW CONSTRUCTION SHALL MEET ALL CURRENT VILLAGE BUILDING AND LIFE SAFETY CODES.**

SECONDED BY MR. WEBSTER.

ROLL CALL:

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

NAY: NONE

MOTION PASSED. VOTE: 7-0

Given the lateness of the hour, Chairman Jirik thanked the Commissioners for their discussions and deliberations. Mr. O'Brien reminded everyone of the scheduled training on January 17, 2007, at 6:00 p.m. Also announced was the recent resignation of Mr. Don Rosenthal. Mr. Don Scheidler will be acting in his stead. Lastly, Chairman Jirik and the Commissioners commended staff for the thorough preparation of their reports and professional and succinct presentations.

MR. WEBSTER MOVED TO ADJOURN THE MEETING. MR. QUIRK SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 11:35 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

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

Chairman Jirik called the January 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, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Webster

ABSENT: Mr. Waechtler

STAFF

PRESENT: Jeff O'Brien, Senior Planner, Stan Popovich, Planner, Mike Millette, Public Works Asst. Dir.

VISITORS: Mr. Dan Banks, 2105 Ogden; Mr. Al Sadona, 2105 Ogden; Mr. Vince and Mrs. Michelle Lococo, 2101 Ogden; Mr. Mike Cook, C. M. LaVoie, 1050 W. IL Rt. 126, Plainfield, IL

The Plan Commission recited the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Matejczyk noted on Page 12 amended that he would "have difficulty approving the petition unless it were approved for access to Pershing."

DRAFT MINUTES OF THE JANUARY 8, 2007 PLAN COMMISSION MEETING WERE APPROVED, AS AMENDED, ON MOTION BY MR. MATEJCZYK, SECONDED BY HAMERNIK.

MOTION CARRIED BY VOICE VOTE OF 8-0.

Chairman Jirik reconvened File No. PC-01-07, noting that those individuals who were sworn in on this petition were still sworn in. He asked staff to present any new information on the petition.

FILE NO. PC-01-07 A petition seeking 1) Final Planned Development Approval for an Auto Dealer on Ogden Avenue – P.D. #44 Ultimate Motor Cars; 2) Street Right of Way Vacation for property located on the South Side of Ogden Avenue at the Intersection of Ogden & Pershing Avenues, commonly known as 2101 & 2055 Ogden Avenue, Downers Grove, IL (PIN Nos. 08-01-405-006, 08-01-406-002; Vincent M. Lococo, Jr. & Michelle Lococo, Petitioners/Owners

Mr. Stan Popovich, Village Planner, confirmed the request was for a Special Use for a vacation of street right-of-way to create one site from the 2101 Ogden and 2055 Ogden sites for an auto showroom. Both sites would be improved. The petitioner has agreed to multiple easements and for the indemnification of the water mains on the east side of Pershing Avenue right-of-way. The petition was continued over objections from the property owner at 2101 of Ogden, his inability to maneuver trucks, and loss of access to Pershing Avenue via the alley. The alley is an unimproved

gravel alley with a 20 foot width. At the time the condominiums at 4400 Pershing Avenue were being constructed, the Village was in discussion with the various owners to address stormwater issues. The Village intends to discontinue traffic in the alley, improve drainage in the area, and relieve traffic off the alley south of 2101 and 2105 Ogden Avenue. Other details of the site and truck traffic maneuverability followed, noting the owner of 2015 Ogden could use the property to turn his trucks around. Mr. Popovich stated the petitioner was not requesting a vacation of the alley. Otherwise, all Village standards and policies were met. Staff recommended approval with the conditions stated in its January 8, 2007 staff report.

Discussion followed on whether Section 19.14 of the Municipal Code was enforced as it relates to access to an alley, wherein Mr. O'Brien confirmed that a permit would be required. Mrs. Hamernik understood that the Code appeared to address the construction portion of the Code. After Mr. O'Brien's explanation, Mrs. Hamernik then understood that the permit would be for use and for construction, to which Mr. O'Brien agreed. Mr. O'Brien explained the Village had no permit on file to access the alley from 2105 Ogden or any other property on the block. From the Village's perspective, there was a question if a permit could be granted due to the uncertainty of the stormwater issues in the area.

Per Mr. O'Brien, the U-Haul business did not have a permit to access Pershing. Mr. Beggs asked if there was an issue for the U-Haul business to continue to use the alley, wherein Mr. O'Brien indicated there could be if the Village decided to make improvements to the alley for stormwater. Asked if other alleys existed in the area, Mr. O'Brien explained there was an adjacent alley, which was publicly owned but closed to vehicular traffic. Mr. Cozzo inquired about the possible improvement of the alley just west of 2105 Ogden and what the nature of the improvement would entail in order to allow for a three-point turn. Mr. O'Brien explained the improvement could be as little as laying stone or as much as paving the alley with a retaining wall. He would let the petitioner explain the required improvements. Mr. O'Brien pointed out because it was on Village property, any engineering for the alley would require a permit since the Village would not perform the work and instead would review the plans.

Mr. Webster asked staff for the definition of "general welfare" in staff's memo and understood that indirectly the Village was asking the petitioner to block off access back to Ogden from the current arrangement that exists. He questioned how it was affecting the "general welfare" of the owner at 2105 Ogden. Mr. O'Brien explained it was the "general welfare" of the entire Village. He noted the goals of the Village were weighed when reviewing the property. He noted a unified development would be more consistent with the overall goals. Staff reviewed the case as it was being proposed, versus a proposal of using the sites individually and Pershing Avenue in its current state. Mr. O'Brien stated it was matter of what proposal would work better; i.e., having two developments and the Village maintain a piece of road functioning as a private road, or, the petitioner taking the property and using the site as one unified site with a better development for Ogden Avenue.

Mr. Mike Cook, C.M. LaVoie & Associates, 1050 W. IL Rt. 126, Plainfield, IL., representing the petitioners, Vince and Michelle Lococo, owners of 2101 Ogden, explained the new information was in the commissioners' packets. Furthermore, Mr. Cook stated the new information included access and the viability of providing vehicular access with ingress and egress to Ogden Avenue. Other material included information downloaded from the official U-Haul website with regard to U-Haul truck dimensions for a 26-foot truck. Mr. Cook proposed two alternatives for the site based on

photographs taken during a January 11 visit to 2105 Ogden Avenue with the petitioner. Specifically, Exhibit A detailed movements through the existing 2105 Ogden Avenue building which has two 12 foot tall doors. One 20-foot wide door is on the south façade and the second 16-foot wide door is on the north façade. The 26-foot U-haul super-mover truck measures just over 11 feet tall. Mr. Cook discussed how the truck movement could travel through the site just by relocating the placement of the trucks and trailers on the site and still use the same ingress/egress to Ogden Avenue. Another alternative, Exhibit B addressed the three-point turn. As to the improvements for that, the petitioner would work with the Public Works Department and resolve the matter with the Village. The petitioner would pay the improvements that would be made to the alley, and the petitioner would get the necessary permits and the improvements engineered properly to provide for the additional length of alley for the vehicle movement of the adjacent property owner.

Mr. Cook stated he spoke with Mr. Millette about the stormwater issue, and it was not a matter of closing the entire alley for stormwater management but a matter of slowing down the water. Mr. Matejczyk believed the 2105 Ogden owner still needed some assurance as to not being cut off from turning on the site. Mr. Cook stated that those improvements were the Village's responsibilities.

Chairman Jirik commented in one sense if the Village was to engage in a stormwater action, he believed it was a separate question under separate purview, but equally, it would simplify the issue because it would render the question moot because there was no access. Both options were leading the matter away from the discussion.

Mr. Vince Lococo, 2101 Ogden, said he used to own the U-Haul at 2055 Ogden Avenue, but sold it approximately five years. He sold the business to the former tenant 2105 Ogden Avenue, who sold the business to the current tenant at 2105 Ogden

Ms. Michelle Lococo confirmed she and her husband were the initial operators of the U-Haul business. At the time they took over the 2055 Ogden Avenue property, they decided not to run the U-Haul business out of 2055 Ogden Avenue due to the space needed for their current inventory. Therefore, the previous tenant of 2105 Ogden Avenue was the person who took over the U-Haul business. She stated the business was in operation for almost seven years, and the trucks were going in and out of the site for approximately six to six and one-half years.

Mr. Popovich stated he invited Mr. Banks, the U-Haul business owner, to meet with the Village but Mr. Banks declined. However, Mr. Banks was sent the Plan Commission packet information and was informed of staff's decisions. Ms. Lococo did not meet with Mr. Banks.

Chairman Jirik opened up the meeting to public comment.

Mr. Dan Banks, 2105 Ogden stated the truck did not fit through the structure as stated in Exhibit A. He explained that there is a heating unit inside the high-bay that hangs from the ceiling which prohibits large trucks from driving through the building. As to the three-point turn, the truck is a 26-foot cargo truck and was actually 33 feet long. He explained a fence and telephone pole existed where the three-point turn took place and left one foot of space to maneuver around. The ground was soft in that area as well. As to turning around on the site, he stated the Secretary of State required that his trucks had to be located in the back lot, and he had to have a separate exit for the

trucks, which the site offered. U-Haul was a large part of his business, and he stated he paid a lot of money for his business based on the revenue from the U-Haul business. He believed the proposal would hurt his business. He did speak with Mr. Lococo about the access, and he did not have an issue with it, but indicated the issue was with the Village.

Mr. Al Sadona, 2105 Ogden, with West Automart, recalled the U-Haul business was in operation during his childhood. He found it interesting that he was about to lose money on his property and his business would suffer because another owner did not look to the future and purchased a bad piece of property. He believed a compromise should be made. He also pointed out the petitioner was going on the premise that he would purchase the property at 2055 Ogden Avenue but it was not guaranteed.

There being no further comments, Chairman Jirik closed the public participation portion of the meeting.

Regarding Exhibit B, Mr. Cook explained he would address the improvements to satisfy the Village's requirements. The power pole and fence was shown on Exhibit B. Mr. Cook explained the exhibits used the dimensions as shown on the official U-Haul website for the largest truck. He offered to rerun the auto-turn specifications for the commissioners if necessary.

Mr. Vince Lococo, Petitioner, stated when he gave the business to the previous tenant prior to Mr. Banks, the Secretary of State did not require two access points but instead required him to install two barricades to distinguish between the two businesses -- the cars for sale and the trucks for rent.

Assistant Public Works Dir. Millette confirmed the Village did not need the entire length of the alley behind the two parcels under discussion. However, the Village was contemplating an underground pipe that would run west and discharge into the wetlands. The pipe could be maintained just fine because no structures would be built upon it. Mr. Millette confirmed the Village wanted to slow down the water streaming across towards the southwestern alley of Pershing Avenue but details still had to be reviewed. As to vacating a portion of the alley behind 2105 Ogden to allow for the truck-turning radius, Mr. Millette had no issue with it. He confirmed that both Exhibits A and B could be used should the underground pipe be installed.

Mrs. Michelle Lococo, Petitioner, closed by summarizing she understood that Mr. Banks and Mr. Sadona felt it was detrimental to run their business by having access to Pershing. However, she stated it was a free convenient access, and there was no official permit of use issued. She did not believe their property value would decrease. She asked that they adapt to change by offering the two alternatives. The property under discussion did not belong to either individuals, and it was the Village's property. She intended to purchase it and improve the drainage issues and overall aesthetics of the Ogden Avenue Corridor.

Mr. Webster questioned whether the U-Haul business would continue to operate as he recalled at the previous meeting the tenant stated that the U-Haul franchise agreement required two access points onto Ogden Avenue. However, the tenant provided no proof of that statement. He agreed with both the Village and the petitioner's goals, but he not see any technical reason as to why the two exhibits would not work. He discussed his thoughts in finding the facts of the argument and believed the general welfare of one person was going "out the window" for the benefit of other people.

Mr. Beggs raised discussion on the permitting of the alley as it relates to use. He questioned the validity of the U-Haul contract. He also did not believe adverse possession could run against municipal land. Therefore, he understood that the alley was needed to operate the U-Haul business and believed a three-point turn should not take place at the back of the alley but that some form of parking space run along the west lot line that could be backed into and to utilize the rear offset to allow for truck turn around. He pointed out if the Village wanted to improve Ogden Avenue on the one hand, it should also permit and/or financially support strengthening the alley at the southern-most part of the lot for the turnaround point. He questioned whether the Village would issue a permit for that plan. The Village should not place the financial burden on the parties involved. In addition, Mr. Beggs noted the property at 2055 Ogden Avenue was being leased, and it was speculation that the owner would want to sell in the future. He would rather make the permitting decision and financial decision left to the Village Council.

Chairman Jirik also concurred with some of the comments being made; noting general welfare was being used to evaluate the petition. As to maneuvering the different turns, he stated the turns could be made, and therefore, it was not a detriment or hardship. He stated that different is not a hardship. However, functionally the land was not an alley but was a piece of private driveway owned by the Village. He questioned what the Village's policy was for maintaining a private driveway for a single owner that no one could get to, which he felt was not detrimental or injurious.

Mrs. Rabatah inquired whether the Village would consider the vacation of the alley since the Village was planning stormwater management, wherein Mr. O'Brien surmised that if there were a petition for vacation, it would probably be for the entire alley from Belmont to Pershing Avenue and retaining a drainage and utilities easement over the 20-foot width alley. Mr. Matejczyk believed it would solve many of the issues. However, Mr. Matejczyk did have concern if the U-Haul was requiring the tenant to have two entrances for the business since, in essence, the Village would be shutting down the business. Mr. Webster reminded the Commissioners that it was a fact-finding body, and the Commission did not have all of the facts; i.e., no copy of the U-Haul contract was provided. While he wanted to support the project, he did have concerns about one business not being able to operate.

Mr. Matejczyk discussed that in order for 2105 Ogden site to continue business, improvements must take place for the trucks to turn around. He could not recall this Commission approving a petition that puts a burden on an adjacent property owner for some significant expense, wherein Mr. Cook reminded the Commissioners of the improvements that would be made by the petitioner and that the petitioner would pay for those improvements. Mr. Cozzo, however, understood that if 2105 Ogden needed a second access then the only way 2105 could have the second access was if the Commission approved the petition and if he can use the petitioner's property to access Ogden Avenue. Therefore, it did not matter whether the improvements to the alley were made or not.

Mr. Dan Banks, 2105 Ogden, noted the Secretary of State was requiring the second entrance and division barriers. He was going on what was told to him by an inspector from the Secretary of State. Mr. Banks did not know the exact provision or code.

Mr. Quirk confirmed the second entrance was because of the second business.

Mr. Banks stated he had two separate businesses -- the car lot and the truck rental business.

Discussion followed on the licensing of two separate businesses and being in State compliance with the entrances.

Mr. Popovich said he did visit other U-Haul sites where one access was provided, and two types of business were running on the site; i.e., truck rental and storage space. Mr. Webster noted the second business was not a vehicle business but was a storage business.

Mr. Vince Lococo, Petitioner, stated when he owned the U-Haul business, the Secretary of State told him he had to have a barrier division between the auto business and the U-Haul business, and he had one access for both businesses. He stated there was no two separate accesses required.

Mr. Webster stated the testimony contradicted each other, and there was no representative from the Secretary of State present.

Chairman Jirik brought the discussion around to continuing the matter or moving the matter forward with the condition that the specific provisions from the Secretary of State are provided in a motion.

Mr. Matejczyk thought the project was great for Ogden Avenue, and the petitioner confirmed the alley improvements. However, he agreed the Secretary of State information was crucial. He would have difficulty voting to approve a petition that would place an undue hardship on a business. He suggested that the matter be continued until the last piece of information was obtained before forwarding it to the Village Council.

Per staff's question on researching the information, Mr. O'Brien stated the Village attorneys could pull the requirements. However, he pointed out two individual owners were told two different requirements by the State of Illinois and interpretation of any provisions was the issue. Chairman Jirik believed a specific standard had to exist with respect to enforcement and to obtain a license. Mr. Webster would not accept staff's interpretation or the Village attorney's interpretation of the Secretary of State. He favored moving the matter forward so as not to burden the petitioner.

Mrs. Hamernik believed there was motivation for Mr. Banks to get the proper information in order to move the matter forward.

Mr. Matejczyk pointed out if the Secretary of State information was not received in two weeks, it could be forward to the Village Council.

Mr. Quirk asked if the Secretary of State was polled would that change the position of the owner of 2105 Ogden to operate their business without being encumbered. Mr. Webster stated that the U-Haul tenant did not appear to know the requirements of the Secretary of State and had no proof. Mr. Webster stated he could not make a determination without the information.

WITH RESPECT TO FILE NO. PC-01-07, MR. MATEJCZYK MADE A MOTION TO CONTINUE THE PETITION TO DATE CERTAIN, THAT DATE BEING FEBRUARY 5, 2007 AND THAT THE PETITION BE FIRST ON THE AGENDA. SECONDED BY MR. BEGGS.

Mr. Beggs stated the burden of proof was on Mr. Banks (2105 Ogden) to show his limitations from the Secretary of State regulations. He wanted to see evidence from Mr. Banks or the Secretary of State representative. Chairman Jirik concurred and added such regulations had to be detailed and defined by Mr. Banks. Mr. Banks confirmed publicly that he understood what was being asked of him.

ROLL CALL:

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

NAY: NONE

MOTION. VOTE: 8-0.

Chairman Jirik thanked staff for the recent training. In the future, he would like to discuss some of the topics brought up by the Village Manager.

MRS. HAMERNIK MOVED TO ADJOURN THE MEETING. MR. QUIRK SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 8:45 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, FEBRUARY 5, 2007, 7:00 P.M.

Chairman Jirik called the February 5, 2007 meeting of the Plan Commission to order at 7:05 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mrs. Rabatah, Mr. Waechtler

ABSENT: Mrs. Hamernik, Mr. Quirk and Mr. Webster

STAFF

PRESENT: Senior Planner, Jeff O'Brien and Planners Stan Popovich and Damir Latinovic; Public Works Asst. Dir. Mike Millette; Traffic Manager Dorin Fera.

VISITORS: Dan and Mary Bank, West Auto Mart Enterprises, 2105 Ogden, Downers Grove, Vince and Michelle Lococo, Ultimate Motor Cars, 2055 Ogden, Downers Grove, Sheila McGlone-Eisman, 445 Austin St., Downers Grove

The Plan Commission recited the Pledge of Allegiance.

Chairman Jirik reviewed the protocol for the meeting.

FILE NO. PC-01-07 (continued from 1/22/07) A petition seeking 1) Final Planned Development Approval for an Auto Dealer on Ogden Avenue – P.D. #44 Ultimate Motor Cars; 2) Street Right of Way Vacation for property located on the South Side of Ogden Avenue at the Intersection of Ogden & Pershing Avenues, commonly known as 2101 & 2055 Ogden Avenue, Downers Grove, IL (PIN Nos. 08-01-405-006, 08-01-406-002; Vincent M. Lococo, Jr. & Michelle Lococo, Petitioners/Owners

Chairman Jirik reconvened File No. PC-01-07 and reminded the Commissioners that a public inquiry was made at the last meeting as it relates to a Secretary of State requirement regarding ingress/egress for a parcel.

Chairman Jirik opened the meeting to public comment.

Mr. Dan Bank, 2105 Ogden Avenue, West Auto Mart, referenced copies of the Administrative Code and Established Place of Business Requirements for Dealers on the dais. Specifically, when Mr. Banks spoke directly to the Secretary of State, they referred him to Page 2, Section 6A of the Administrative Code. When speaking to his local agent from the Secretary of State, the agent gave Mr. Bank the Requirements for Dealers and noted the specific section pertaining to separation of business. He stated the agent also recalled the conversation he had with Mr. Bank about the separation of business. However, Mr. Bank conveyed the Secretary of State would not get into the middle of this matter. Mr. Bank explained the separation definition did not state completely that a separate entrance was needed and that the requirement could be interpreted differently. All he could do was run his business on what he was told when he opened up the U-Haul business. He interpreted the information that if the two businesses were separated he had to have a separate entrance for each.

Mr. Bank further explained that under the old owner, the two businesses were separated using a fence. After some time, however, the vehicles could pass through the fence. Additionally, the U-Haul Office was located in the garage that was separate from the car sales office. Mr. Bank stated he would like to continue to use the alley to allow trucks to get to Pershing as he had done previously and because it was safer. Currently, he was asking the Village not to vacate Pershing Avenue.

Per Mrs. Rabatah's question, Mr. Bank said he was using Ogden Avenue for both entrance and exit for the U-Haul and automobile business. He cannot stop people from driving the trucks through the Ogden Avenue entrance, but most of the trucks were using the alley to get to Pershing. Currently there was a separation using an orange plastic fence for both sides with a gap to get through. However, when he took over the business, the separation to allow vehicles to pass was already acceptable. Mr. Bank explained the Secretary of State visited his site last week, and he is in compliance with the State's requirements.

Petitioner, Mrs. Michelle Lococo, 2101 Ogden Avenue, indicated she was also directed to the same section in the Requirements for Dealers code, but the specific section stated nothing specific to requiring two entrances. She stated the burden of proof was on Mr. Bank to provide that information per the Plan Commission's direction at the January 22nd hearing. Conversations with her field representative indicated there were no requirements stating that two separate entrances were needed. Additionally, in speaking to the Secretary of State in Springfield, Mrs. Lococo was directed to the same manual. She read Section 6C of the Illinois Administrative Vehicle Code Title 92, Transportation Chapter 2, Part 10.20, *Dealers Established Place of Business*. She read that the "sale of automobiles shall be the primary business of the licensed dealers and shall constitute 50% of the gross revenue". She also pointed out that Mr. Bank testified in a previous meeting that the U-Haul was more than 50% of his business. Secondly, she pointed out Section 6C of the Code also stated "businesses must be reasonably related to the sales and operation of automobiles and include the sale of auto parts and accessories, sale of gas, diesel, oil and lubricants, the sale of tires, the leasing of autos, and the financing of autos". Mrs. Lococo spoke with Mr. Russ Loro, head of Administrative Hearings, which revokes or suspends dealers that operate businesses other than those stated operating out of 10.20.10.6C. She asked him if a used auto dealership could run a U-Haul franchise business on the same premises, wherein Mr. Loro conveyed to her that it could not, and "they were not reasonably related businesses". Ms. Lococo stated she did not feel reporting the names or locations of the business to Mr. Loro were necessary at this time.

Mrs. Lococo asked that the Commissioners review the information for facts, pointing out the Codes did not address the two entrance requirements.

Mr. Stan Popovich, Village Planner, stated the Illinois Secretary of State regulations were between the business owner and the Illinois Secretary of State and did not directly affect the Village's procedures or goals, and staff was not in the position to interpret the regulations. Mr. Popovich stated the proposal did meet the Village's standards as stated in the original staff report. Staff recommended approval of the petition as originally stated with the conditions supplied in staff's February 5, 2007 memo with an additional condition that the petitioner apply for a permit and complete improvements to the alley as presented at the January 22, 2007 meeting and in Exhibit B. Should the Commissioners have issues with the necessity of alley access to Pershing Avenue, staff

recommended a positive approval with conditions for a cross-access easement, but staff would not support an agreement that has the potential to limit the Village's use of alley.

Mr. Waechtler recalled in prior minutes that diagrams were presented which conveyed no issues with turning around on the site, wherein Mr. Popovich confirmed there were diagrams and photos presented during the January 22, 2007 meeting that indicated the trucks could make turns through the building on the site and could make three-point turns. Mr. Waechtler also recalled there were to be conversations between the two owners, but Mr. Popovich stated the conversations never took place.

Mr. Waechtler discussed drainage concerns with Mr. Millette. Mr. Millette noted the improvements being added to 2055 and 2101 Ogden Avenue would not have an adverse affect to the adjacent wetland area nor the nearby condominiums. Details followed on how the water would be captured.

Mr. Matejczyk believed the evidence conveyed during the meeting would not negatively affect Mr. Bank's business, and he believed the evidence addressed his concerns. However, Mr. Matejczyk did not recall reviewing a right-of-way vacation that had been under so much use and it was a first time for this Commission. However, he believed the petitioner's request was in the best interest of the Village's Ogden Avenue Master Plan, and he would vote to recommend approval.

Discussion followed by Mr. Waechtler on the length of time it took for this Commission to discuss the petition. However, Mr. Matejczyk explained the hold-up was due to requesting more information and concern about putting someone out of business.

Mr. Cozzo indicated much of the discussion was based on whether Mr. Bank could receive a permit to use the alley. Chairman Jirik indicated he characterized the issue as the alley was being used as a private driveway, which the Village was not in the business to maintain a private drive. He believed the car lot needed to be separated and apart, but there were no requirements for ingress and egress. Chairman Jirik discussed his understanding of the lot separation as noted in the Secretary of State Code. Mr. Matejczyk indicated a precedent was being set in this matter.

Chairman Jirik emphasized in the future it will be important to get all the facts.

Mr. Beggs commented Mr. Bank could have been misled when he purchased the business, but it was not this Commission's purview.

WITH RESPECT TO FILE NO. PC-01-07, MR. BEGGS MADE A MOTION TO APPROVE THE PETITION AND FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL WITH THE EIGHT (8) CONDITIONS STATED IN STAFF'S MEMORANDUM DATED FEBRUARY 5, 2007:

- 1. THE DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED JANUARY 8, 2007; THE PLAT OF EASEMENT AND PLAT OF VACATION PREPARED BY C.M. LAVOIE & ASSOCIATES DATED OCTOBER 31, 2006; THE PRELIMINARY ENGINEERING PLAN PREPARED BY C.M. LAVOIE & ASSOCIATES DATED NOVEMBER 3, 2006, REVISED DECEMBER 11, 2006; AND ARCHITECTURAL PLANS PREPARED BY FERGON ARCHITECTS DATED NOVEMBER 3, 2006, REVISED DECEMBER 13, 2006,**

EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

2. ALL CONSTRUCTION WITHIN THE OGDEN AVENUE RIGHT-OF-WAY WILL REQUIRE APPROVAL FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT).
3. THE PETITIONER SHALL COORDINATE WITH THE VILLAGE'S POTENTIAL CAPITAL IMPROVEMENT PLAN TO ENSURE COMPREHENSIVE DRAINAGE IMPROVEMENTS IN THE AREA. THE PETITIONER'S SITE PLANS SHALL BE DEVELOPED TO TIE INTO THE VILLAGE'S PLANNED CAPITAL IMPROVEMENTS FOR PERSHING AVENUE IMMEDIATELY SOUTH OF THE VACATED RIGHT-OF-WAY SECTION.
4. PRIOR TO THE ISSUANCE OF CONSTRUCTION/SITE DEVELOPMENT PERMITS, THE FOLLOWING CHANGES SHALL BE MADE TO THE PLANS:
 - a. STORM SEWER CALCULATIONS SHALL BE PROVIDED AND SHALL INCLUDE HYDRAULIC GRADE LINE CALCULATIONS. AN EXHIBIT THAT SHOWS THE STORM SEWER TRIBUTARY AREA SHALL ALSO BE INCLUDED. THE OFFSITE FLOW FROM THE EAST SHALL BE ADDRESSED IN THE CALCULATIONS. PROPOSED STORM PIPE SIZES AND INVERT ELEVATIONS SHALL BE PROVIDED.
 - b. FINAL SITE IMPROVEMENT PLANS SHALL BE PREPARED. A GRADING PLAN, UTILITY PLAN AND SEDIMENT AND EROSION CONTROL PLAN SHALL MINIMALLY BE INCLUDED. PLANS SHALL BE SIGNED AND SEALED BY A REGISTERED PROFESSIONAL ENGINEER. COORDINATE WITH PLANNED VILLAGE CAPITAL IMPROVEMENT PROJECT.
 - c. THE SITE PLAN SHALL INCLUDE STANDARD VILLAGE EROSION CONTROL NOTES ON THE SEDIMENT AND EROSION CONTROL SHEET.
 - d. REALIGN PROPOSED STORM SEWERS TO MAXIMIZE FLOW CAPTURE AND TO COORDINATE WITH PLANNED VILLAGE CAPITAL PROJECT PLANS FOR ALLEY AREA TO THE SOUTH. FLOW MAY NOT BE ROUTED THROUGH UNDERGROUND DETENTION CHAMBER AT THE CONDOMINIUM COMPLEX TO THE SOUTH.
 - e. THE FENCE ALONG THE SOUTH SIDE OF THE VACATED RIGHT-OF-WAY SHALL BE SHOWN TO ALLOW WATER MOVEMENT UNDERNEATH THE FENCE.
 - f. SITE PLANS SHALL SHOW SIGNS DISPLAYING 'CUSTOMER ONLY PARKING' ON THE EAST SIDE OF THE VACATED PERSHING AVENUE RIGHT-OF-WAY TO ENSURE THAT NO DISPLAY CARS ARE PARKED ON TOP OF THE EXISTING WATER UTILITIES.
5. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL HAVE A PLAT OF VACATION PREPARED BY A LICENSED SURVEYOR. THE VILLAGE SHALL PROVIDE EASEMENT LANGUAGE WHICH SHALL BE NOTED ON THE PLAT OF VACATION TO SHOW THE FOLLOWING:
 - a. A DRAINAGE AND UTILITY EASEMENT FOR THE VILLAGE OF DOWNERS GROVE, DUPAGE WATER COMMISSION AND OTHER

PUBLIC UTILITIES INCLUDING BUT NOT LIMITED TO COMMONWEALTH EDISON, COMCAST, AND AT&T.

- b. A CROSS-ACCESS EASEMENT TO ALLOW CURRENT AND FUTURE OWNERS OF 2055 OGDEN AVENUE ACCESS TO OGDEN AVENUE THROUGH THE VACATED PERSHING AVENUE RIGHT-OF-WAY**
 - c. A SIDEWALK EASEMENT TO ALLOW THE PERSHING AVENUE SIDEWALK TO CONTINUE WITHIN THE VACATED RIGHT-OF-WAY.**
 - d. THE PETITIONER SHALL INDEMNIFY THE VILLAGE AND DUPAGE WATER COMMISSION FOR ALL DAMAGES ASSOCIATED WITH THE WATER UTILITIES UNDER THE VACATED PERSHING AVENUE RIGHT-OF-WAY.**
- 6. PRIOR TO COMPLETION OF THE PLAT OF VACATION, THE LICENSED SURVEYOR SHALL CONTACT AND DISCUSS WITH THE DUPAGE COUNTY RECORDER AS TO HOW THE VACATED LAND SHALL BE DESCRIBED ON THE PLAT OF VACATION.**
 - 7. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE THE VILLAGE WITH COMPENSATION AS DETERMINED BY VILLAGE COUNCIL.**
 - 8. PETITIONER SHALL APPLY FOR A PERMIT AND PAY FOR IMPROVEMENTS TO THE ALLEY AS SHOWN IN EXHIBIT B, WHICH WAS PROVIDED AT THE JANUARY 22, 2007 PLAN COMMISSION MEETING.**

SECONDED BY MR. MATEJCZYK.

Mrs. Rabatah noted even though Pershing Avenue was actively used by Mr. Bank, it was being used for convenience and not out of necessity since this was a precedent.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

Chairman Jirik thanked staff and the Commissioners for their time discussing the above matter and getting all the facts.

FILE NO. PC-03-07 A petition seeking an Alley Vacation for an Alley Running North and South on the West Side of the Property commonly known as 445 Austin Street, Downers Grove, IL (PIN 09-08-225-004); Kirby Eisman, Petitioner; Village of Downers Grove, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-03-07.

Mr. Stan Popovich, Village Planner, summarized the petitioner was requesting the Village to vacate a fourteen-foot alley that runs north and south immediately west of the property at 445 Austin Street. The property is used as a private driveway for 445 Austin Street. Two property owners at

4929 Douglas Road and 4935 Douglas Road do not object to the request for the vacation. A letter from each neighbor was provided that supports the vacation.

Per the Village's Right-of-Way Vacation Policy, staff contacted the utility companies, public entities, Public Works and Public Safety to determine if any rights to the alley should be retained. Comcast and AT&T have utility poles and overhead lines near the rear of the alley and do not object to the vacation provided an easement is retained. Staff recommended retaining an easement over the entire width and length of the alley for utility and drainage purposes in the future. Keeping the easement would limit the types of structures that could be built on the vacated alley. A fence or driveway would be the most significant structures that would be allowed. Mr. Popovich explained this request would allow the petitioner to have more lot coverage, and a wider house could be built up to the alley. The proposal was consistent with the Village's Future Land Use Map and other Village planning documents. Staff recommended compensation as well as approval, subject to the conditions listed in its staff report.

Petitioner, Sheila McGlone-Eisman, 445 Austin Street, Downers Grove, thanked Mr. Popovich for his help and assistance on this matter. Ms. McGlone-Eisman indicated only she uses the alley and that the only access to the alley is from Austin Street. She did have an issue regarding the requested easement, noting in looking at an aerial map, an easement already ran East/West parallel to Austin and Rogers Street, which addressed the Village's concerns as to utilities, and an easement existed behind her property. The Village already had two easements. She asked that staff's report be "refined", and the third easement be removed. Ms. McGlone-Eisman noted her home was for sale.

Chairman Jirik opened up the matter to public comment. No comments were received. The Chairman closed the public comment portion of the meeting.

Due to the concerns of the future makeup and utility needs of the neighborhood, Mr. Matejczyk said it was difficult to remove easements. He pointed out if an easement was not needed in the driveway in the future, it would not be built. He saw no reason not to have an easement on the driveway.

Ms. McGlone-Eisman agreed with the concern but explained that having a 14-foot easement restricted her from putting anything on the vacated alley except a fence or a driveway. She believed the report was asking her to have the property added to the tax rolls and her paying tax dollars for a piece of land that could not be improved. However, Chairman Jirik pointed out the owners had free use of the property for many years. Ms. McGlone-Eisman indicated even her realtor was surprised by the 14 foot easement.

Mr. Popovich explained by having the easement the lot would become 64 feet wide versus 50 feet wide. The additional land would allow a larger house based on setbacks and lot coverage requirements. Per a question, the new Subdivision Ordinance regulations now required 15 or 20 feet easements on the side and rear property lines. Details followed on the benefits of where a house and garage could be placed.

Mr. O'Brien stated Com Ed did request that the Village maintain full rights over the alley.

WITH RESPECT TO PC FILE NO. 03-07, MR. MATEJCZYK MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL

APPROVING THE RIGHT-OF-WAY VACATION FOR THE PORTION OF THE FOURTEEN (14) FOOT PUBLIC ALLEY IMMEDIATELY WEST OF AND ADJACENT TO 445 AUSTIN STREET, SUBJECT TO THE CONDITIONS BELOW:

- 1. THE VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED FEBRUARY 5, 2007 AND WITH THE PLAT OF SURVEY SUBMITTED TO THE PLAN COMMISSION DATED AUGUST 29, 2000 PREPARED BY LIBERTY SURVEY COMPANY, EXCEPT SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES AND THE FOLLOWING CONDITIONS:**
 - a. A UTILITY AND DRAINAGE EASEMENT SHALL BE RETAINED OVER THE ENTIRE ALLEY BY THE VILLAGE OF DOWNERS GROVE AND OTHER APPLICABLE UTILITY COMPANIES FOR THE MAINTENANCE OF THE EXISTING UTILITY FACILITIES AND FUTURE UTILITY NEEDS.**
 - b. THE CONSTRUCTION OF FUTURE STRUCTURES ON THE ALLEY PROPOSED TO BE VACATED SHALL BE LIMITED TO FENCES AND DRIVEWAYS. CONSTRUCTION OF ANY NEW BUILDINGS ON THE ALLEY SHALL NOT BE PERMITTED.**
- 2. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL HAVE A PLAT OF VACATION PREPARED BY A LICENSED SURVEYOR.**
- 3. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE THE VILLAGE WITH COMPENSATION AS DETERMINED BY VILLAGE COUNCIL.**

SECONDED BY MRS. RABATAH.

ROLL CALL:

**AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS, MR. COZZO,
MR. WAECHTLER, CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 6-0

Chairman Jirik asked the petitioner to keep in contact with staff as to when the matter would be forwarded to the Village Council.

FILE NO. PC-07-07 A petition seeking an update to the Village Roadway Classification portion of the Future Land Use Map; Village of Downers Grove, Petitioner/Owner

Mr. Latinovic, Village Planner, explained the Village's Roadway Classification Map is a portion of the Future Land Use Map, and the road classifications identify the functions of the roads and their industry standards. All existing roads are classified based on the traffic volume capacity into locals, collectors, or arterials, reflecting lower traffic volumes to higher traffic volumes. The Roadway

Classification Map is used by traffic consultants and engineers to determine traffic service, traffic controls, and roadway improvements. Because the Village has experienced traffic growth in the past 10 years and the Roadway Classification map has not been updated, the Village contracted with Civiltech Engineering Inc. (CEI) to complete a full roadway system evaluation to determine which roadways can remain as currently designated and which roadways need to be revised to reflect their function. Details followed on what the study covered. The result from the engineers indicated that a majority of the current Roadway Classification Map was an accurate representation of traffic use in the Village and only minor changes needed to be made.

Per staff, the Village’s Roadway Classification Map modifications were presented to the Parking and Traffic Commission on February 9, 2005. On April 13, 2005, the Parking and Traffic Commission reviewed and recommended approval of the changes. The following are proposed changes including the revisions made by the Parking and Traffic Commission on April 13, 2005. The attached Roadway Classification Map has been updated to reflect the proposed changes.

Street Name and Limits	Existing Classification	Proposed Classification
Maple Avenue, Dunham Road to Fairview Avenue	Collector	Minor Arterial
Barneswood Dr, Venard Road to Highland Avenue	Local	Collector
Walnut Avenue, Maple Avenue to College Road	Local	Collector
Lee Avenue, Warren Avenue to Ogden Avenue	Local	Collector
Brook Drive, Downers Drive to Finley Road	Local	Collector
Glendenning Road, Ogden Avenue to 39 th Street	Local	Collector

Staff believes the proposed changes are consistent with the Village’s Future Land Use Map and the Village’s planning documents. Staff believes no adverse impact on existing development or trend of development or land uses around those developments will take place. Staff recommended approval of the changes to the Roadway Classification Map.

Mr. Dorin Fera, Traffic Manager for the Village, explained much of the data is used by staff not only for maintenance purposes, but also for traffic control, analyzing intersections, and long-range planning. As to whether differences existed going from the local category to the collector category, Mr. Fera advised there was not much change except for enhanced signing, narrowing of intersections, and better snow plowing maintenance. Mr. Fera indicated the goal was to match the current conditions with what the map reflected. He pointed out some of the roads, such as Cross Street, were under DuPage County’s control. He further pointed out different qualifications for

various categorized streets sometimes overlapped when comparing traffic volumes to the National standards. Mr. Fera was pleased with the update.

Questions followed on the status of Lee Street, Walnut near College Avenue, and the possibility of having a controlled intersection at Lee and Ogden.

Per Mr. Waechtler's question regarding if changes to any category could cause the widening of a roadway, Mr. Fera stated the capacity of the roadway would have to be reviewed with consideration for a number of factors including features of the road, traffic needs, schools nearby, etc. Mr. Fera believed updating the map every ten years was a positive.

Mr. Fera further explained the Village was experiencing more traffic access on Township roads and nearby Village traffic.

As to the changes affecting truck traffic, Mr. Fera could not respond except to say that the Village was creating a truck route map for the Illinois Department of Transportation. He intended to target the North, South, East and West truck routes that were County routes.

Mr. O'Brien stated the update was representing what was occurring on the Village's roadways today, and staff was reviewing the Map in reference to the land uses that were proposed around the streets.

Mr. Millette, Asst. Director of Public Works, reiterated the same points as Mr. Fera stating the changes did not affect the Federal funding for the roads. As to getting a traffic signal at Lee and Ogden, he said it would help the case in getting one but did not guarantee one.

Chairman Jirik asked for clarification of staff's maps and asked that staff just include the two maps (Future Land Use Map and the Roadway Classification Map) when going before the Village Council. Mr. O'Brien stated once the changes were made, the two maps would be the same.

WITH RESPECT TO FILE NO. PC-07-07, MR. WAECHTLER MOVED THAT THE PLAN COMMISSION MAKE A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL UPDATING THE VILLAGE ROADWAY CLASSIFICATION PORTION OF THE FUTURE LAND USE MAP. SECONDED BY MR. COZZO.

ROLL CALL:

**AYE: MR. WAECHTLER, MR. COZZO, MR. BEGGS, MR. MATEJCZYK,
MRS. RABATAH, CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 6-0

Mr. O'Brien briefly discussed a letter received from a resident residing at 5300 Cameo who had concerns about 5240 Thatcher Road. The petitioner on that matter has not provided a traffic study, and staff does not expect one until March, 2007. Staff has to determine whether to place the matter

on the agenda or continue letting the petitioner stall the matter. Staff preferred that the matter be voted upon at that Village Council meeting and not return to the Plan Commission.

Next meetings are scheduled for March 5, 2006 and March 12, 2006.

Mr. Waechtler said he contacted Code Enforcement regarding signage announcing a new bank development at Prince and Ogden. He asked Code Enforcement to remove the sign. Mr. O'Brien would follow up.

Per a question, Mr. O'Brien explained the Village Council has directed the Historic Preservation Ordinance and a number of public hearings be assigned to the Architect Design Review Board ("ADRB"). Staff made a recommendation to the Council that if the Council did not want to use the ADRB to administer the ordinance, they could use the Plan Commission. Public hearings are scheduled for February 22, 2007 (7:00 p.m.) and February 24, 2007 (10:00 a.m.) to discuss the ordinance, followed by a recommendation to the Village Council for final determination. Mr. O'Brien provided further details.

MR. MATEJCZYK MOVED TO ADJOURN THE MEETING. MR. BEGGS SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY. THE MEETING WAS ADJOURNED AT 8:45 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, MARCH 5, 2007, 7:00 P.M.

Chairman Jirik called the March 5, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Webster

ABSENT: Mr. Waechtler

STAFF

PRESENT: Jeff O'Brien, Senior Planner, Stan Popovich, Planner, Mike Millette, Public Works Asst. Dir.

VISITORS: Mr. David Lundeen, 4910 Seeley Ave, Mr. Perry Erhart, 3825 Downers Drive, Rev. Michael Rothaar, 4501 Main Street, Mr. Dennis Wonderlick, 4501 Main Street, Ms. Marilyn Weiher, 4808 Wallbank, Mr. David Weiher, 4808 Wallbank, Matt Klickman, 4604 Saratoga Avenue, David Stamm, 4927 Main Street, Skokie, Illinois, Jude LaLonde, 1530 Hillcrest Road

The Plan Commission recited the Pledge of Allegiance.

APPROVAL OF MINUTES

DRAFT MINUTES OF THE JANUARY 22, 2007 PLAN COMMISSION MEETING WERE APPROVED ON MOTION BY MR. MATEJCZYK, SECONDED BY MRS RABATAH.

MOTION CARRIED BY VOICE VOTE OF 8-0.

DRAFT MINUTES OF THE FEBRUARY 5, 2007 PLAN COMMISSION MEETING WERE APPROVED ON MOTION BY MRS. RABATAH, SECONDED BY MR. COZZO.

MOTION CARRIED BY VOICE VOTE OF 8-0

FILE NO. PC-04-07 A petition seeking 1) a Special Use for a church in a residential district; 2) Final Plat of Resubdivision and 3) Parking Variations for property located on the Southeast corner of Main and Grant Streets, commonly known as 4501 Main Street, Downers Grove (PIN 09-05-315-020); Perry Erhart, Petitioner, Gloria Dei Evangelical Lutheran Church, Owner

Mr. Stan Popovich, Village Planner, confirmed the request was for a Special Use for a church in a residential district, a parking variation, and Plat of Subdivision for a consolidation of 10 separate parcels into one parcel. Mr. Popovich detailed the existing location of the church and used existing photographs to provide a characterization of the existing site conditions. Mr. Popovich explained that the proposed 9,000 square foot addition would convert the building from an 'L' shape into more of a square. The addition would provide additional space including a lobby, library, meeting rooms, open gathering spaces, and other ancillary spaces. The addition is not increasing the

capacity of the worship area. Mr. Popovich continued that a new parking lot will be constructed south of the building. This new 52 car parking lot will increase the size of available parking on the site and replace an existing 15 car lot. The church is requesting a variance from Village parking standards that would require a 110 car parking lot based on the capacity of the worship area. Staff believes this is a warranted variation because that is the size of parking lot that can be supported on the site. Additionally, the church has an agreement with the high school to use the school parking lot across Grant Street. Mr. Popovich noted the parking lot is screened on all sides. The east and west sides are screened by vegetation while the south is screened by a row of lilac shrubs and a six-foot fence. A canopy extends out into the parking lot to provide a covered drop-off area. The parking lot is accessed through a drive aisle along Highland Avenue and an exit only drive aisle onto Main Street. The drive aisles will be slightly moved from their existing locations. Engineering improvements include a large stormwater detention pond at the Northeast corner of the property. The detention area will require some of the existing utilities to be relocated on site.

Mr. Popovich noted the petitioner held a neighborhood meeting this past December, and indicated the petitioner could speak more about the meeting. Mr. Popovich stated staff had not received any comments or questions from the public regarding this project. Staff requested the petitioner complete a Plat of Subdivision to consolidate the separate parcels, and the petitioner completed that request. Staff believes the petition complies with the Zoning Ordinance, Future Land Use Plan and the Subdivision Ordinance and recommends approval with the conditions as noted on page 5 of the Staff Report.

Mr. Matejczyk stated he thought it was a good project, and he could support the petition. Mrs. Rabatah asked for clarification on the parking calculations. Mr. Popovich explained the parking requirement is based on the capacity of the worship area, which creates a requirement of 110 parking spaces. Mrs. Rabatah inquired about the agreement with the school district to use their parking lot. Mr. Popovich stated he thought it was a written agreement, but the petitioner could speak more of it.

Mr. Cozzo asked whether the exit drive out to Main Street was a right-turn only or if it is a right- and left-turn. Mr. Popovich stated the drivers could go left or right. Mr. Cozzo stated it might be a good idea to provide a condition that it be a right-turn only. Mr. Matejczyk noted the drive aisle would primarily be used during off-peak traffic hours on Main Street.

Mr. Perry Erhart, petitioner, introduced members of the Gloria Dei Church who were present in the audience. Mr. Erhart provided a brief history of Gloria Dei church, the site, and the church's community involvement. Mr. Erhart noted the church holds a variety of meetings during business and evening hours. He noted Gloria Dei has been proactive in keeping the neighbors informed of their plans, going all the way back from the time Gloria Dei demolished the houses immediately south of their existing building. He noted a few people showed up to the open house in December.

Mr. Erhart reviewed the building plans and noted the church intended to install sprinklers throughout the building. Mr. Erhart stated the parking lot will be able to provide adequate parking for their staff during the working day and also for meetings that are held in the evening. Mr. Erhart stated their design committee had talked about making the drive aisle to Main Street a right-turn only. Mr. Erhart noted they have an agreement with the high school that in case of an emergency, students from the high school come to Gloria Dee's fellowship hall to congregate and in return, the church can use the parking lot across Grant Street for Sunday services.

Mr. Matejczk asked if they use the streets surrounding the church for parking. Mr. Erhart stated during funerals, larger events and occasionally church services street parking is utilized.

Chairman Jirik opened up the meeting to public comment.

Mr. Jude LaLonde stated he owned the property at 4520 Highland Avenue, directly south of the proposed parking lot. He noted the rendering and addition would improve the area, but had a few questions as he was unable to attend the December open house. Mr. LaLonde asked how far the parking lot was from his property line. Mr. Popovich stated it was between five and six feet with screening between the parking lot and the lot line. Mr. LaLonde asked about the screening, and Mr. Popovich confirmed it was a row of lilac shrubs and a six-foot open board fence as shown in the staff report.

Mr. LaLonde asked if there was existing lighting on the parking lot, and if new parking lot lighting was proposed, how it would affect his property. The petitioner noted there was existing parking lot lighting. Mr. Popovich said lighting was proposed, and a photometric plan was provided which showed minimal light disturbance at the south property line. Mr. Popovich provided Mr. LaLonde with a copy of the photometric plan. There was some question as to the definition of a foot-candle. Mr. Jeff O'Brien, Village Senior Planner, read the Zoning Ordinance definition of a foot-candle. Mr. Wonderlick, architect for the petitioner, showed the location of the parking lot lighting and noted it will be shining towards the building away from Mr. LaLonde's property, and the amount of light at the property line would be negligible.

Chairman Jirik closed the public comment portion of the meeting.

Chairman Jirik offered the petitioner a closing statement. Mr. Erhart declined.

Mr. Webster asked if the HVAC equipment on the roof would be removed. Mr. Erhart was happy to say that yes, it would be removed.

WITH RESPECT TO FILE NO. PC-04-07, MRS. HAMERNIK MADE A MOTION TO RECOMMEND APPROVAL OF THE PETITION SUBJECT TO THE FOLLOWING STAFF CONDITIONS:

- 1. THE DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED MARCH 5, 2007; THE PRELIMINARY ENGINEERING PLAN PREPARED BY C.M. LAVOIE & ASSOCIATES DATED OCTOBER 13, 2006, REVISED FEBRUARY 1, 2007; ARCHITECTURAL PLANS PREPARED BY CONE KALB WONDERLICK ARCHITECTS DATED FEBRUARY 2, 2007; THE FINAL PLAT OF SUBDIVISION PREPARED BY C.M. LAVOIE & ASSOCIATES DATED FEBRUARY 2, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. PRIOR TO THE ISSUANCE OF CONSTRUCTION/SITE DEVELOPMENT PERMITS, THE FOLLOWING CHANGES SHALL BE MADE TO THE PLANS:**
 - A. AN IEPA NOTICE OF INTENT SHALL BE FILED. A COPY OF ALL CORRESPONDENCE SHALL BE SENT TO THE VILLAGE.**

- B. DOWNSPOUTS AND THEIR DISCHARGE PATHS FROM THE EXISTING CHURCH AND THE ADDITION SHALL BE SHOWN ON THE GRADING AND UTILITY PLANS.
- C. STORMWATER EASEMENTS SHALL BE GRANTED OVER ALL STORMWATER FACILITIES.
- D. THERE SHALL BE AT LEAST TWO LOCATIONS OF DEPRESSED CURB IN THE NORTHEAST CORNER OF THE PARKING LOT SOUTH OF THE DETENTION BASIN. THIS IS THE ONLY LOCATION FOR THE 100-YEAR OVERFLOW INTO THE POND. IT IS RECOMMENDED THAT THE DEPRESSED CURB BE LOCATED BOTH EAST AND WEST OF THE TRASH ENCLOSURE AND BE GREATER THAN THE LENGTH CURRENTLY SHOWN IN THE REVISED PLANS.
- E. THE GRADING ALONG THE NORTHERN EDGE OF THE DETENTION BASIN IS MISSING A 742 CONTOUR. THE GRADING SHALL BE REVISED TO INCLUDE A BERM RISING UP TO 742.1, AND 742 CONTOURS SHALL BE SHOWN AROUND IT.
- F. A COMPLETE AUTOMATIC AND MANUAL FIRE DETECTION SYSTEM SHALL BE INSTALLED THROUGHOUT THE ADDITION. IF THERE IS AN EXISTING DETECTION SYSTEM WITHIN THE EXISTING BUILDING, IT SHALL MEET CURRENT FIRE AND LIFE SAFETY CODE REQUIREMENTS.
- G. A COMPLETE AUTOMATIC AND MANUAL SPRINKLER SYSTEM SHALL BE INSTALLED THROUGHOUT THE ADDITION. IF THERE IS AN EXISTING SPRINKLER SYSTEM WITHIN THE EXISTING BUILDING, IT SHALL MEET CURRENT FIRE AND LIFE SAFETY CODE REQUIREMENTS.

SECONDED BY MR. MATEJCZYK.

Chairman Jirik asked Mrs. Hamernik if she would like to add the condition that the Main Street drive aisle be required to be a right-turn only exit. Mrs. Hamernik did not want to add that restriction and believed it was up to the petitioner to determine if it should be a right-turn only. Mr. Matejczyk stated if it became an issue, the petitioner would most likely take care of it themselves or the Village could request the petitioner do something at that time. Mr. Cozzo did not object to not including that as a condition of approval.

ROLL CALL:

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

NAY: NONE

MOTION. VOTE: 8-0.

Chairman Jirik asked the petitioner to keep in contact with staff as to when the matter would be forwarded to the Village Council.

FILE NO. PC-09-07 A petition seeking a Final Planned Development Amendment to P.D. #37 Acadia on the Green – Final Sign Plan for property located at 945 and 935 Burlington Avenue and 930 Curtiss Street, Downers Grove (PIN 09-08-130-026,-030, 09-08-303-028,-031); Acadia on the Green, LLC, Petitioner/Owner

Mr. O'Brien, Senior Planner, presented the staff report. He provided some history on the project and indicated the sign plan was a condition of the original planned development approvals. He noted the petitioner is getting ready to lease the commercial space in Building 1 and is looking to receive approval of the sign plan. Mr. O'Brien stated no variations were being requested for the sign plan.

Mr. Matejczyk inquired what was currently under construction at Acadia. Mr. Stramm, petitioner, noted that building one was well underway, building two was just starting, and he anticipated that building three would start after a few more sales are made. Mr. Matejczyk stated he thought building three would not start for some time. Mr. Stramm noted that Mr. Matejczyk might be thinking of building 4.

Mr. Beggs asked about the 24 inch tall lettering and the 80% width requirement. Mr. O'Brien clarified the requirements and noted that it was a developer requirement, not a Village requirement.

Mr. David Stramm, petitioner, stated staff presented the request accurately, and he did not have a formal presentation, but is available to answer any questions.

Chairman Jirik opened up the meeting to public comment.

There being no comment, Chairman Jirik closed the public comment portion of the meeting.

Mr. Matejczyk and Mrs. Rabatah noted that they felt the proposal was good and were in support of the petition.

Mr. Webster noted that the petitioner's own proposal is more restrictive than the Village's. He asked staff how they would keep track of the amount of signage on the buildings. Mr. O'Brien noted that staff keeps a listing of the approved signs and their square footage. The Village has done this for other developments, so this would not be the first time. Mr. Webster stated that he would not want to be the last person to request a sign.

WITH RESPECT TO FILE NO. PC-09-07, MR. WEBSTER MADE A MOTION TO RECOMMEND APPROVAL OF THE PETITION SUBJECT TO THE FOLLOWING STAFF CONDITIONS:

- 1. THE AMENDMENT SHALL SUBSTANTIALLY CONFORM TO THE SIGN PLANS PREPARED BY SOLOMON, CORDWELL, BUENZ AND ASSOCIATES, INC. DATED JANUARY 15, 2007 AND THE SIGN CRITERIA PREPARED BY NEW ENGLAND BUILDERS, INC. DATED JANUARY 18, 2007 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES AND THE FOLLOWING CONDITIONS:**
- 2. TOTAL SIGNAGE FOR BUILDING 1 SHALL NOT EXCEED 300 SQUARE FEET.**

- 3. TOTAL SIGNAGE FOR BUILDINGS 2 AND 3 SHALL NOT EXCEED A TOTAL OF 300 SQUARE FEET.**
- 4. PRIOR TO THE ISSUANCE OF ANY PERMITS FOR THE INSTALLATION OF AWNINGS THAT ENCROACH INTO THE VILLAGE RIGHT-OF-WAY, THE PETITIONER SHALL ENTER INTO AN AGREEMENT WITH THE VILLAGE PERMITTING SAID ENCROACHMENT.**
- 5. PRIOR TO THE ISSUANCE OF ANY SIGN PERMITS, TENANTS SHALL PROVIDE A WRITTEN LANDLORD APPROVAL TO THE VILLAGE.**
- 6. ALL SIGNS SHALL RECEIVE A PERMIT FROM THE VILLAGE PRIOR TO INSTALLATION.**

SECONDED BY MR. QUIRK.

ROLL CALL:

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

NAY: NONE

MOTION. VOTE: 8-0.

Chairman Jirik asked the petitioner to keep in contact with staff as to when the matter would be forwarded to the Village Council.

FILE NO. PC-12-07 A petition seeking an Amendment to Chapter 28 of the Zoning Ordinance, Article XV Signs; purpose of the Amendment is to consider modifications to the existing signs regulations regarding Butterfield Road; Village of Downers Grove, Petitioner

Mr. O'Brien explained the amendments were being brought forward after the Village Council's review of the amended Sign Ordinance in April 2006. He stated the Plan Commission previously approved "housekeeping" amendments in June of 2006. Mr. O'Brien noted the amendments were drafted using the inventory of existing signs on Butterfield Road as well as the results of the Visual Preference Survey the Plan Commission completed in June 2006.

Mr. O'Brien explained the modifications would only impact free-standing signage in the Butterfield-Finley Corridor. He stated no modifications were proposed for overall signage or wall signage. He noted the proposed sizes would be 15 feet tall and 60 square feet for single-users and 15 feet tall and 90 square feet for shopping centers. Mr. O'Brien went on to explain shopping centers with more than 500 feet of frontage would be allowed to have 2 signs that were 15 feet tall and 90 square feet.

Mr. O'Brien stated the proposal still represented a reduction in the size of signs but would also accommodate the higher speeds and grade separations unique to Butterfield Road. He noted the same amortization period would still apply to the existing signs.

Mr. Matejczyk stated that he thought the proposal took care to address the higher speeds that are achieved on Butterfield Road.

Mrs. Hamernik stated that she thought it was important to restrict the height of the proposed signs and noted this was a good compromise.

Mr. Webster asked if these changes were made because of issues with the Red Roof Inn sign. Mr. O'Brien stated the changes were proposed based on Village Council's request and not any individual property owner. Mr. Webster asked if this would affect other portions of the Sign Ordinance. Mr. O'Brien stated that the only sections that would change are noted in the staff report, and the proposed signs would not change the total amount of signage that would be available to individual businesses. Additionally, these changes only affect those businesses along the Butterfield Road and Finley Road corridors. It does not change the requirements along either of the freeways that abut property along Butterfield and Finley Roads. Mr. Webster asked about the timeline for compliance. Mr. O'Brien clarified the timeline.

Chairman Jirik asked how height was defined. Mr. O'Brien provided a description of how height was determined during the review process and noted that ornamental pieces, such as a cornice, can go above the maximum height. Chairman Jirik opined whether these regulations would create signs which are harder to make since the signs could be potentially unique sizes. Mr. O'Brien and Mrs. Hamernik stated that most sign makers custom design their signs and have standard sizes that they use which will fit the requirements.

Chairman Jirik opened up the meeting to public comment.

There being no comment, Chairman Jirik closed the public comment portion of the meeting.

WITH RESPECT TO FILE NO. PC-12-07, MR. MATEJCZYK MADE A MOTION TO RECOMMEND APPROVAL OF THE PETITION.

SECONDED BY MRS. HAMERNIK

ROLL CALL:

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

NAY: NONE

MOTION. VOTE: 8-0.

Mr. O'Brien let the Plan Commission know that the Architectural Design Review Board has provided a positive recommendation to the Village Council for approval of the Historic Preservation Ordinance. He noted the Village Council would hear the petition at its March 27th meeting.

Mr. O'Brien noted the next Plan Commission meeting was Monday, March 12th. The meeting will consist of a petition at 68th and Main Streets, and significant changes to the Parking Ordinance. He noted that the Plan Commission should have received their packets for next week's meeting already and if they had any questions concerning the parking ordinance, to contact Mr. Popovich.

APPROVED 04/02/07

Chairman Jirik and Mr. Matejczyk noted it has been nice to receive the packets a week prior to the meeting.

Mrs. Rabatah stated the right-turn only drive aisle onto Main Street for the Gloria Dei petition was an important issue and was glad it was brought up and discussed.

**MRS. HAMERNIK MOVED TO ADJOURN THE MEETING. MR. MATEJCZYK
SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 8:25 P.M.**

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, MARCH 12, 2007, 7:00 P.M.

Chairman Jirik called the March 12, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

ABSENT: Mrs. Hamernik, Mr. Quirk

STAFF

PRESENT: Jeff O'Brien, Senior Planner, Stan Popovich, Planner, Dorin Fera, Traffic Manager

VISITORS: Mr. Kevin Hall, OWP/P, 111 W. Washington, Chicago; Mr. Rich Heim, Advocate Good Samaritan Hospital, 3815 Highland Avenue, Downers Grove; Mr. Eric Granrud, SEC Group, 759 John Street, Yorkville, IL; Ms. Gloria Pirkins, 6841 Carpenter St., Downers Grove; Mr. John Shuman, 6801 Carpenter St., Downers Grove; Mr. Tim Rooney, 1031 68th St., Downers Grove; Mr. Gary Wurglitz, 1001 68th St., Downers Grove; Mr. Ken Paradowski, 1041 68th St., Downers Grove; Mr. John Shumen and Mrs. Barb Shumen, 6801 Carpenter St., Downers Grove; Mr. Dave Fox, President Advocate Good Samaritan Hospital, Downers Grove; Mr. Pat Furey, HSA Commercial, 233 S. Wacker Dr. Suite 350, Chicago

The Plan Commissioners recited the Pledge of Allegiance. Chairman Jirik reviewed the protocol for the meeting.

APPROVAL OF MINUTES - None

FILE NO. PC-10-07 A petition seeking a Plat of Subdivision and an Amendment to Planned Development to P.D. #7 Green Briar for a proposed two-story office building for property located at the Northwest corner of Main and 68th Streets, commonly known as 6800 Main Street, Downers Grove, IL (PIN 09-20-300-014,-015); HSA Commercial Real Estate, Petitioner; Young Kim-Main Professional Associates, Owner

Chairman Jirik swore in those individuals who would be speaking on behalf of File No. PC-10-07.

Mr. Popovich, planner for the Village of Downers Grove, explained the petitioner is requesting an amendment to the Green Briar Planned Development #7. The parcel is located at the northwest corner of Main Street and 68th Street. Surrounding parcels were described. Photographs were presented on the overhead. Proposed is a new 37,000 sq. foot, two-story medical building to be used as an outpatient building. It will be located immediately south of the existing medical building. The walls will touch but will not be connected internally. The first floor will be used as an outpatient office while the second floor will be leased to other medical uses. The new building will incorporate brick and metal panels. Windows and doors will be pre-finished aluminum storefront systems. An entry canopy will cantilever over the vehicle drop-off area on the east elevation.

The proposed building will set back approximately 124 feet from Main Street at its nearest point and 74 feet from 68th Street. The development will use the existing curb cuts, one along Main Street and one along 68th Street. Due to the site design, new drive aisles will connect with the existing drive aisles to create a seamless loop around the entire development. A loading area and trash enclosure will be located on the west side of the proposed building. The loading area will be relocated from the southwest corner of the existing building to the new location. According to the Zoning Ordinance 275 parking spaces are required, but the petitioner is proposing 297 parking spaces, which includes 12 handicap spaces. The plan calls for landscaped areas along 68th Street and Main Streets and includes some bioswales and grasses with significant trees and plantings. The development provides 31.4% green space with 81.3% of the green space being located in the required front yard.

Per staff, the Future Land Use Plan shows the subject property as Residential. However, the property is zoned B-1. Since 1978, three separate medical office-building proposals have been approved for the site, but none was constructed. The plat of subdivision is being completed to rearrange the lot lines and to provide a separation between the two buildings. The proposal meets the current sign ordinance. Significant engineering improvements will take place. Because a portion of the existing water and sanitary sewer lines are located within the footprint of the proposed building, the existing lines will have to be relocated and replaced with new service lines. Easements will have to be replatted. Stormwater improvements are also proposed. An underground detention basin is planned under the south parking lot, which will tie into the new manholes and sewers. The three bioswales will drain into the underground detention basin. Emergency access will be provided throughout the site. The new building will be fully sprinklered and alarmed.

The petitioner held an open house with neighbors in February 2007. Most of their concerns included cut-through traffic on 68th Street, street parking on 68th Street, and shared parking in the existing development with the Community Gardens and the park across Main Street. The petitioner provided a traffic study, which indicates there will be some peak hour increases on 68th Street as well as difficult left turns onto Main Street during peak hours.

Staff spoke with a neighbor who resides across the street from the development along Main Street who voiced concerns about traffic and individuals using the existing parking lot to use the parks. She had some concerns about screening on the site. Per staff, the petitioner will be providing screening on all sides of the proposed parking lot.

Mr. Popovich closed by stating the proposal met the Village's standards and ordinances and approval of the petition was recommended, subject to conditions listed in its staff report.

Per Mr. Matejczyk's question regarding the relocation/replacement of sanitary sewer lines, Mr. Popovich stated the pipes would be relocated to the west under the parking lot, and an easement would be provided. Asked if the storm trap modules could accommodate heavy truckloads over the retention area, staff stated the Public Works Department reviewed the matter and were comfortable with what was being submitted, but recommended some conditions as to the bioswales.

To address Mr. Matejczyk's concern about exiting the site and heading north, staff explained the traffic study reflected more difficulty turning out of the site during peak hours with an additional

delay of 5 to 10 seconds to make a turn. Public Works reviewed the traffic study, and they were comfortable with the study.

Regarding the sprinklering of the existing building, Mr. Popovich explained if the existing building were ever internally connected to the proposed building, the existing building would have to meet current code requirements as discussed with the petitioner. Both the Building Department and Fire Department were comfortable with the proposal. Lastly, a fire-rated roof on the connector and limited windows were required to avoid the spread of any fire. The Fire Department was also comfortable with the location of the three fire hydrants.

Mr. Popovich confirmed the level of service when exiting the development to Main Street (northwest corner) was reduced from D to E during evening peak hours. Chairman Jirik confirmed the delay at peak hours was affecting those vehicles exiting the site for the patrons and not the thoroughfares of the Village. Mr. Popovich recalled the level of service for 68th and Main Streets was either a B or C rating, noting that Level F was the worst level.

As to why the other three proposals for the site did not move forward, Mr. Popovich stated he did not know why the first two were cancelled but recalled the last proposal had to do with a triangular building proposed at the northwest corner of 68th Street and Main, and the building did not meeting the platted building front building line. Eventually the matter went into litigation between private parties. As a result of the litigation, the building foundation was removed and the site was filled.

Asked whether the proposal was to alleviate traffic at Good Samaritan Hospital campus at Highland Avenue, Mr. Popovich did not recall specifically, but believed, instead, it was to provide outpatient services. Mr. Beggs proceeded to explain the parking issues he experienced at Good Samaritan Hospital campus and questioned the parking needs of the proposal. Mr. Popovich believed there was sufficient parking, noting the requirements were for 275 parking spaces, and the petitioner was providing 22 spaces over that amount.

Petitioner, Mr. Dave Fox, President of Advocate Good Samaritan Hospital, 3815 Highland Avenue, Downers Grove, Illinois, stated the hospital celebrated its 30th anniversary last fall, and traffic has always been an issue since he came on board approximately three and one-half years ago. He explained the goal of the proposal was to “decompress” the main hospital campus and to provide convenient outpatient services south of the train tracks. A convenient care center would be provided at the facility as well as diagnostic imaging. Mr. Fox stated for the past couple of years the hospital has been focusing on reducing the length of time a patient is serviced. He was confident enough parking existed for the proposal.

Mr. Fox stated eight offices were planned for the second story of the proposed facility. Hours of operation were expected to be from 8:00 a.m. to 8:00 p.m. for the convenient care portion of the facility.

Chairman Jirik opened up the meeting to public comment.

Ms. Gloria Pirkins, 6841 Carpenter, expressed concern about the hours of operation stating they would probably begin one to two hours prior to opening and closing. She expressed concern about parking and traffic in the surrounding area and on 68th Street due to parking on both sides. She stated the hospital was only constructing the building three miles away from the main campus

because the hospital ran out of room. She stated the proposal would add more traffic on the street. She discussed the new traffic signals that were added since she moved into the area. Per a question, Mr. Popovich did not recall the on-street parking along 68th Street being addressed in the traffic study.

Mr. Waechtler expressed concern that an issue may exist if the parking on both sides of 68th Street was not addressed. However, Chairman Jirik explained the larger issue was whether there was an issue with the available parking relative to the current use. He further assessed one of three things could occur with the development: 1) more parking difficulty could occur with greater displacement; 2) nothing could change; or 3) improvements could occur.

Mr. Dorin Fera, the Traffic Manager for the Village, agreed the volume of traffic on Main Street was currently high. Regarding the parking on both sides of 68th Street, he stated the matter could be reviewed by the Parking and Traffic Commission. In reviewing the proposal, Mr. Fera said he did not believe the proposal would cause any change to the existing issues on 68th Street and sufficient parking for all of the uses existed on the site. However, he suggested bringing the matter before the Parking and Traffic Commission to review 68th Street. He explained the petition process. Staff, however, pointed out the additional parking that was being added at the southwest corner of the site.

Ms. Pirkins next expressed concern about the number of medical staff parking in the lot and inquired as to how many individuals would be working at the facility, wherein the Chairman stated he did not believe that matter was under this Commission's purview as the proposal met the Village's parking requirements. However, Chairman Jirik did explain the parking calculations to Ms. Pirkins and suggested she speak to the Traffic Manager, Mr. Fera, regarding the current conditions on 68th Street. Mr. Popovich further explained how the parking was calculated for the various uses.

Mr. Tim Rooney, 1031 68th Street, Downers Grove, asked for staff to expand upon the traffic study.

Mr. Popovich indicated the traffic study considered how traffic was going to flow through the site at both entrances during peak and non-peak hours and trip generation.

Mr. Rooney stated he and his neighbors were more concerned about traffic on Main Street and 68th Street. He stated he worked in the building at the southwest corner of 68th Street and Main, and he saw cars parked all the time on 68th Street. He stated he was the person who called for a "No Parking" sign on 68th Street, wherein the Village responded by placing a "No Parking" sign on one side of 68th Street 50 feet from Main Street. He believed the traffic at the intersection would be worse if the proposal is constructed. He expressed concern about safety due to the nearby McCollum Park and asked the traffic concerns be seriously considered. Mr. Rooney asked who would hold the petitioner responsible for the impacts of the development. Chairman Jirik stated the petitioner's traffic study did not indicate there would be large-scale impacts as a result of the development. He also reminded Mr. Rooney to speak to Mr. Fera after the meeting regarding the current issues on 68th Street.

Mr. O'Brien, Senior Planner, explained that the reason staff requires traffic studies for private development is to look at three issues: 1) on-site circulation; 2) to ensure adequate on-site parking is provided; and 3) to ensure the development does not trigger modifications to the Village's roadways. Level of services was also explained in more detail. He explained the only thing a

developer would be accountable for was if their traffic study indicated improvements to the public roads were required, a turn lane, for example, as a result of the development. He noted the petitioner's traffic study did not indicate any improvements were necessary to either Main Street or 68th Street as a result of the proposed development.

Mr. Gary Wurglitz, 1001 68th Street, Downers Grove, also expressed concern about the traffic on 68th Street, the safety of children on 68th Street, and the fact that once the building was added it would encourage parking on the street. He asked why two entranceways could not be added to Main Street instead of 68th Street in order to slow down traffic. Chairman Jirik explained generally the thought process was to reduce the number of curb cuts in order to keep the flow of traffic moving. Because Main Street was a County road, the County discouraged such cuts. Mr. Wurglitz asked that construction traffic be limited to Main Street.

Mr. O'Brien explained when developments apply for permits, the petitioner must present a construction staging and fencing plan to the Village. He suggested the Commissioners insert this matter into the motion.

Regarding the existing stormwater drain, Mr. Wurglitz expressed concern if the pipe size should be increased, wherein Chairman Jirik explained how the calculations for the restrictor release rate and the pipe size were determined.

Mr. John Shuman, 6801 Carpenter Street, Downers Grove, commented when coming to this meeting, he noticed cars were parked on both sides of 68th Street. He reiterated safety was a concern, and something had to be done. Regarding the hours of operation, he expressed concern that it would take longer than 8:00 p.m. for the building to be emptied out. He asked that the hours be reconsidered. Lastly, he voiced concerns about the lighting in the parking lot.

Mr. Popovich stated the sign lighting on the building will not disturb the neighbors, and a photometric plan for the parking lot will have to be provided.

Mr. Beggs asked what the hours of operation were for the Green Briar Center, wherein Mr. Fox explained currently the hours were not an issue, but if the facility was larger, it could become a problem. Asked if some medical professionals were in the building after 8:00 p.m., Mr. Fox stated there were some.

Mr. Shuman asked about a previous study completed for 68th Street addressing traffic speed. He asked what could be done to control the additional traffic down a dangerous street. Chairman Jirik indicated current conditions would have to be considered as well as the gathering of facts and be presented to the Parking and Traffic Commission. He reminded the public and the Commissioners that as the urbanization of areas increase, so does the traffic, and the issue becomes a matter of staying ahead.

Mr. Waechter suggested the residents speak with the Traffic Manager on this matter and find out what the correct process was. He believed the parking issues on 68th Street needed to be addressed before the building was done.

Mr. Shuman asked the Commissioners why people would park on the street if there were adequate parking being provided. Chairman Jirik believed the matter was existing and had to be studied more outside of this petition.

Mr. Ken Paradowski, 1041 68th Street, Downers Grove, asked where the contractors and heavy equipment would be staged, wherein, Mr. O'Brien stated the Village's preferred alternative for construction traffic was to come off the arterial streets if possible. Vehicles had to be parked on-site. Mr. Paradowski expressed concern that he and the residents had a street they could not access.

Ms. Barb Shuman, 6801 Carpenter, Downers Grove, stated she has resided on both the north and south sides of the Village. She discussed the overall increase in traffic over the years, especially on 68th Street. She believed the new building would add to the traffic congestion and force those vehicles making a left turn onto Main Street to travel to 67th Street or to Dunham. As a resident, she feels the residents have done their part, and she was discouraged by staff stating the matter will be "looked at" or the matter "will be considered".

There being no further comment, Chairman Jirik closed the public portion of the meeting. No further comments were received from the Commissioners.

Mr. Fox stated the lighting for the south parking lot will be located on the south facade of the building, and the light beams will not leave the property. The lighting plan has to be approved as part of the permitting process. Therefore, he intends to have minimal light projected at the corners of the site to buffer the residents. Landscaping has been designed to buffer the site as well. As to the parking concerns, he intends to build a facility with enough parking so that vehicles do not park on 68th Street. The employees who work at the building will be instructed to use the lot. As to traffic, he envisioned those visiting the site would use Main Street and not 68th Street.

Mr. Waechtler asked if the applicant and owner were present. Mr. Furey, applicant, was present and noted that since their submittal to staff, the purchase of the property was completed and HSA Commercial is now the owner.

Mr. Fox explained the hours of operation were based on when people expected to come to such a facility. In a similar Lemont facility, he explained most of the physician offices closed by 6:00 p.m. or 6:30 p.m., while the convenient care portion of the facility stayed open until 8:00 p.m.

Mr. Matejczyk suggested that as a condition of a positive recommendation the Parking and Traffic Commission take up the traffic issue on 68th Street as a study. Mrs. Rabatah concurred as she lived in the area. However, Chairman Jirik noted typically the residents would request a study. He suggested should the study be requested, the applicant fully cooperate in providing such information and/or data for the study.

Mr. O'Brien clarified the Village would perform the traffic study, take the development into account, and would use the applicant's traffic study. However, for this particular matter, he recommended a side motion being made, rather than tying the traffic study to this particular petition, thereby meriting a further investigation by the Village. This way, if not enough resident signatures were gathered for the petition, the Village Council could direct the Parking and Traffic Commission to investigate the 68th Street matter.

Mr. Cozzo commended the petitioner for holding a meeting on this development. While he agreed there were some Parking and Traffic issues on 68th Street, he believed the Parking and Traffic Commission would have reasonable solutions. Mr. Matejczyk also appreciated the petitioner contacting the residents on this development. Mr. Beggs supported the development, but called attention to the fact that the site was commercial, and that the traffic/parking issue should not hold up the development. He cited the current traffic appeared to be coming off Main Street to the Green Briar site. Discussion followed that it was not a matter of holding up the development but was a matter to address independently.

WITH RESPECT TO FILE NO. PC-10-07, MR. WEBSTER MOVED TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL RECOMMENDING APPROVAL OF THE SUBDIVISION AND AMENDMENT TO PLANNED DEVELOPMENT #7, GREEN BRIAR MEDICAL OFFICE CENTER, FOR A NEW MEDICAL OFFICE BUILDING, SUBJECT TO STAFF'S RECOMMENDATIONS FROM ITS REPORT WITH EMPHASIS ON ITEM NO. 9 TO ADDRESS A SITE MANAGEMENT PLAN TO ADDRESS CONSTRUCTION TRAFFIC:

- 1. THE PLANNED ADDITION, SITE IMPROVEMENTS AND SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED MARCH 12, 2007; THE ENGINEERING IMPROVEMENT PLANS PREPARED BY SEC GROUP, INC. DATED JANUARY 19, 2007 AND REVISED ON FEBRUARY 15, 2007; THE FINAL PLAT OF SUBDIVISION AND PLATS OF VACATION FOR UTILITY EASEMENTS PREPARED BY SEC GROUP, INC. DATED FEBRUARY 15, 2007; AND ARCHITECTURAL PLANS PREPARED BY OWP/P ARCHITECTS, INC. DATED FEBRUARY 9 AND 16, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PETITIONER SHALL PROVIDE WRITTEN DOCUMENTATION FROM THE DOWNERS GROVE SANITARY DISTRICT INDICATING THEIR AGREEMENT WITH THE PROPOSED REVISED SANITARY SEWER EASEMENT LOCATION AND LANGUAGE.**
- 3. THE PETITIONER SHALL PREPARE AND SUBMIT A TABBED DUPAGE COUNTY STYLE STORMWATER REPORT FOR THE PROPOSED IMPROVEMENTS. ADDITIONALLY, STORM SEWER CALCULATIONS SHALL BE REVISED IN A MANNER ACCEPTABLE TO THE VILLAGE ENGINEER AND ONE FOOT OF FREEBOARD SHOULD BE PROVIDED AROUND THE POND HWL IN A MANNER ACCEPTABLE TO THE VILLAGE ENGINEER.**
- 4. AS THE DEVELOPMENT IS GREATER THAN ONE ACRE, A SUBMITTAL TO IEPA IS REQUIRED FOR NPDES PHASE II COMPLIANCE. THE VILLAGE SHALL BE COPIED ON CORRESPONDENCE WITH IEPA REGARDING THE SUBMITTAL FOR NPDES PHASE II.**
- 5. PROPOSED SIGNAGE SHALL MEET THE VILLAGE'S SIGN CODE. ANY STRUCTURAL REVISIONS TO THE EXISTING SIGN SHALL CONFORM TO THE VILLAGE'S SIGN CODE.**
- 6. AS PER LOCAL AMENDMENTS TO THE 2002 NATIONAL ELECTRICAL CODE, THE BUILDINGS SHALL HAVE ONE MAIN DISCONNECT THAT CUTS POWER TO BOTH THE EXISTING AND PROPOSED BUILDING. THE BUILDINGS CAN HAVE ONE MAIN DISCONNECT OR A SHUNT TRIP SYSTEM INSTALLED.**

7. THE PROPOSED BUILDING SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT.
8. THE PROPOSED BUILDING SHALL HAVE A MANUAL FIRE ALARM AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. BOTH FIRE ALARM SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD.
9. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, A SITE MANAGEMENT PLAN, MINIMALLY IDENTIFYING PROPOSED CONSTRUCTION FENCING, TRAILER LOCATIONS, CONSTRUCTION PARKING AND STAGING AREAS DURING CONSTRUCTION, SHALL BE PROVIDED TO THE VILLAGE FOR REVIEW AND APPROVAL.
10. PRIOR TO THE COMMENCEMENT OF SITE DEVELOPMENT ACTIVITIES, THE APPROPRIATE PERMITS (WATER, STORMWATER, SITE DEVELOPMENT, RIGHT-OF-WAY, ETC.) SHALL BE OBTAINED FROM THE APPROPRIATE PERMITTING AUTHORITY.
11. PRIOR TO ANY PERMANENT STRUCTURES BEING PLACED ON THE PROPERTY, INCLUDING BUT NOT LIMITED TO BUILDING FOUNDATIONS, BUILDING FOOTINGS AND DETENTION BASINS, A SOIL TEST AND REPORT SHALL BE SUBMITTED TO ENSURE THE SOIL CAN SUPPORT THE STRUCTURES.
12. IF THE BUILDINGS ARE INTERNALLY CONNECTED TO ALLOW ACCESS TO EACH BUILDING WITHOUT EXITING THE BUILDING, THE EXISTING BUILDING AT 6800 MAIN STREET SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM, MANUAL FIRE ALARM, AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT.

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

MR. MATEJCZYK MADE A MOTION, IN LIGHT OF THE PUBLIC COMMENT RECEIVED FOR PC 10-07, THE PLAN COMMISSION MAKE A RECOMMENDATION TO THE VILLAGE COUNCIL THAT THE PARKING AND TRAFFIC ON 68TH STREET FROM MAIN STREET WESTWARD BE FURTHER INVESTIGATED WITH REGARDS TO PARKING, VOLUME, AND SPEED.

SECONDED BY MRS. RABATAH.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

(The Plan Commissioners took a five-minute break at 8:55 p.m. and reconvened at 9:00 p.m.)

FILE NO. PC-11-07 A petition seeking an Amendment to Chapter 28 of the Municipal Code-Zoning Ordinance, Article 14 Off-Street Parking and Loading; Village of Downers Grove, Petitioner

Mr. Popovich, Village Planner, stated the petitioner was the Village of Downers Grove, and the goal of the ordinance revisions was to provide better-designed parking lots through landscaping and green space; simplify the parking regulations; and update the existing parking use list and the number of required parking spaces, stacking, and loading spaces. The revisions fell into three general categories: 1) administrative, 2) design, and 3) regulatory (to be consistent with National standards). The administrative revisions include identifying the proper authority for decisions and many housekeeping items, including properly identifying the Village Council instead of the Village Board. The design changes are proposed to create better developments. Regulatory changes have been made so the Code is consistent with current National parking standards. Additionally, regulatory changes will allow for more efficient enforcement of the Codes.

Significant changes included creating smaller size parking spaces if needed; improving the design of parking lots through landscaping and greenscape; adding perimeter parking lot screening, specifically near residential areas; requiring a more extensive photometric plan and a better definition of foot candles; modifying the location and screening procedures for the storage of recreational vehicles; adding language which addresses the use and length of time for portable storage containers typically known as PODS; revisions to off-street parking requirements; developing standards for parking and traffic; and the addition for individuals to enter into shared parking agreements.

For illustration purposes, Mr. Popovich reviewed some examples of current parking requirements, actual parking provided, and proposed parking requirements for developments around the Village.

Additional revisions also included adding handicap parking requirements and the installation of bicycle parking guidelines. Staff stated the proposal met the Village's Sign Ordinance, the Ogden Avenue Master Plan, the Zoning Ordinance and the Future Land Use Map. Staff recommended approval of the petition.

Mr. Matejczyk thought some of the parking space requirements were less restrictive than the current restrictions. Mr. Popovich agreed. He further added an existing parking lot could be re-striped, but a parking study would be required of the applicant.

Chairman Jirik asked that the Commissioners review the changes page by page.

Page 2, Section E - After the words, “used in conjunction with”, add the words “either a business operation on such lot or with a service being rendered for the benefit of such lot.”

Page 2, *Front Yards*, 14.04A - Chairman Jirik expressed concern about no gravel lots being allowed. Staff stated the permeable pavers would be acceptable.

As to Section 1404 as it pertains to the location of parking spaces, Mr. Beggs believed a number of Commissioners held the belief that in order to improve Ogden Avenue the depth of the lots had to be increased and parking had to be kept in the rear of the lots. In addition, landscaping and sidewalks, etc. improved the look. As to how this section affected Ogden Avenue, Mr. Popovich explained the parking setbacks were set through the B3 zoning regulations and nothing in the section would change it. Mr. Beggs expressed his reservations. Mr. Webster thought the section might need more consideration.

Mr. O’Brien explained when this matter was under review, the revisions were not changed for the parking setback, but instead, were changed for the landscaping requirements (similar to the Ogden Avenue Master Plan). The shared parking agreement was changed and now it was easier to receive a shared parking agreement through this Commission rather than seek a variation. Mr. O’Brien added it was staff’s way to legislate a more accurate picture of shopping center parking and discourage the overbuilding of parking lots.

Per the Chairman’s question, Mr. Popovich explained an individual with a legal non-conforming parcel was allowed to resurface and restripe without a variation. However, if parking lot reconstruction was planned, the requirements would have to be met. The grandfather clause was noted on page 23.

Discussion followed on the removal of the depth of the “compact stone base requirement” and the fact that the Public Works Department was creating a Design Standards Manual for roadways in order for staff to address this matter and to defer to the Manual in the future.

Page 4, Parking Blocks -- Staff did research other communities on this matter. Mr. Fera stated it will be up to him or the Director of Public Works to determine what type of material the blocks will be made up of; i.e., concrete or recycled material. He preferred recycled material. Block height will also be considered.

Per a question, staff clarified “Parking Area” includes a drive aisle for a parking lot and a driveway for residential use. White and yellow striping was clarified by Mr. Fera.

Page 5, Front Yards -- Where it states, “continuous landscaping shall be provided,” the Chairman suggested it be revised to “continuous along the entirety of the perimeter, except where required by other provisions”. He suggested a depth amount might need to be considered. Concern was raised on how to address the matter with adjacent side yards and adjacent parking lots. The Chairman suggested adding a “minimum” height for starter plants. It was noted that “maximum height” was addressed for interior parking lots on page 7.

Page 6, Long Term Maintenance of Landscaping -- This was a new requirement. Fines ran from \$75 to \$750 per day. Chairman Jirik stated any time “long-term maintenance” was used, he

recommended, “continuous and regular maintenance be required” in order to get the owner to comply.

Mr. Beggs noted Section 1406 is directed to the design of off-street parking areas, but the section begins to discuss parking lots. He suggested better clarification of the defined terms “parking area” and “parking lot.” Mr. O’Brien mentioned the terms were being used interchangeably. He would add a new paragraph upfront.

Mr. Waechtler inquired about the amount of foot-candles underneath gas station canopies. Staff noted it was an average and a generally accepted standard. Chairman Jirik noted petitioners could request higher light levels based on Table 2, but it would have to be approved by staff or the Plan Commission. Mrs. Rabatah asked whether they should put something into the ordinance regulating these special situations where petitioners would want higher light intensities. Mr. Waechtler didn’t want to lock everyone to a specific standard and would prefer to not add that language but would prefer that the petitioner would have to provide justification for the change.

Mr. Webster stated the 70 foot-candles might be exceeded on current automobile dealerships. He also noted the light level at the property lines might not be able to be perceived by people. He stated his appreciation that staff requires some calculations but not an abundance of technical calculations that do not mean much to the normal person.

Mr. Cozzo inquired whether it was necessary for recreational vehicles to be screened on all four sides. He also asked how screening on all four sides would be accomplished. Mr. Popovich explained the reasoning behind it. The Commissioners felt three sides would be adequate screening as long as the vehicles were screened from the immediately adjacent neighbors. Chairman Jirik noted the language should read all sides abutting an adjoining lot but in no case less than three sides. Staff noted the requirement could be written to provide screening to adjacent neighbors. Chairman Jirik also noted a fence height should be added. Mr. Matejczyk asked when this requirement would be in effect and noted there is no grandfathering clause. Staff noted the ordinance would take effect immediately, and it would most likely be enforced based on neighbor complaints. Mr. Waechtler inquired about visitors with a recreational vehicle. Mr. O’Brien noted section (a) and (b) of 28-1408 addresses that condition.

Mr. Waechtler inquired why staff decided to allow 90 days for portable storage devices. Mr. Webster noted in many projects this is a reasonable time. Mr. Popovich stated staff worked with Code Enforcement Officers to determine the timeline. Mr. Popovich noted the original recommendation was for 30 days but based on discussions with the Officers, 90 days was the preferred option. The Officers noted 90-days seemed adequate for a small renovation to start and finish and felt 30 days would be too strict. Mr. O’Brien stated the main impetus for this addition is commercial storage containers that take up parking spaces.

Mr. Beggs questioned the word ‘adequate’ in Section 28-1409(c). The Commissioners concluded the language should change to ‘properly engineered.’

Mr. Webster asked why staff decided it was necessary to provide a graphic of a loading dock. Mr. O’Brien stated many permits come to the Village without a catch basin and triple-basin and many of the developments do not provide adequate space for the large trucks. Many of these trucks use

public right-of-ways for maneuvering which creates larger traffic issues. Mr. Fera noted 50-foot lengths are necessary for the larger trucks.

The Commissioners noted Table 4 should state 'Minimum Requirements' in the header. Mr. Waechtler questioned whether single family parking requirements should be higher since most houses have three to four cars on each lot. Mr. O'Brien noted staff believed two was adequate and we should not legislate for more parking than that. He also stated the garage counts as two spaces and generally, the driveway is adequate for two more parking spaces.

Mr. Webster asked whether the number of required spaces went up or down, and what the definition of Class A and B spaces in the existing ordinance were. Mr. O'Brien stated in general the requirements went up, and it is slightly difficult to determine that because the standard was changed to spaces per 1,000 square feet rather than ratios of spaces per hundred feet, etc. Mr. O'Brien stated the regulations are closer to market demands and by splitting out the uses, it will be easier for staff to administer the regulations. Mr. Popovich noted the Class A and B spaces were based on space turnover, and Mr. Fera stated those definitions are no longer applicable.

Mr. Waechtler inquired about the day-care stacking standards. Mr. Popovich noted the requirement is for drop-off and pick-up areas, and no more than 10 would be required.

Mr. Webster asked about the restaurant parking requirements. Mr. O'Brien provided the definition of a restaurant and noted an existing parking ordinance loophole that allows carry-out restaurants as a general commercial use instead of a restaurant has been closed. He noted most carry-out restaurants tend to have some seating in them, and they become both a carry-out and sit-down restaurant.

Mr. Matejczyk asked about the second church parking requirement. Staff noted this section references the religious center description immediately above.

Mr. Webster inquired about not counting a fraction of a space that is less than ½. Mr. Popovich noted current standards allow this, and staff did not feel it would be an adverse effect on the standards.

Mr. Waechtler inquired about shared residential driveways and whether the Village would require a cross-access easement. Mr. O'Brien noted the Village believes it is an issue between private property owners and not the Village. He noted the Village was discouraging shared residential driveways.

Mr. Beggs asked about Gloria Dei's shared parking agreement with the high school. Mr. Beggs and Mr. Cozzo wondered how this ordinance would affect the agreement if it were ever ended. Would they be required to provide more parking when their current lot does not have additional space? Mr. O'Brien noted the Plan Commission granted Gloria Dei a variance for parking so in effect they would not need to provide additional parking.

Chairman Jirik asked if the Plan Commission would have final approval authority for shared parking agreements. Mr. Popovich noted in the case of a by-right development, the Plan Commission would have the final authority, but in the case of a Special Use or Planned Development, the Plan Commission would provide a recommendation to Village Council. Mr.

Beggs noted a situation on Finley Road where there is no distinction between peak periods and that future shared parking agreements should clearly have different peak periods. Mr. Waechtler agreed.

Mrs. Rabatah inquired whether 28-1410(h) should include the DT district. Mr. O'Brien stated this was more of an issue of medical and dental uses locating in the DB district and getting out of having significant parking requirements. This section would require those uses to provide the necessary parking and in effect maintain a commercial character in the downtown.

Mr. Cozzo inquired about the prohibition of parking in the front yard. He wondered about the parking in a front yard of a development along Curtiss Street. Mr. O'Brien noted this particular location would be grandfathered in, but no additional developments would be allowed to do this.

Mr. Webster asked about the fine for parking in handicap parking spaces as shown in Figure 4. Mr. O'Brien stated the fine is determined in another section of the Municipal Code and is determined by Village Council. Mr. Waechtler noted he has seen various fines in other communities.

Mr. Waechtler noted he was pleased to see bicycle parking standards. Mr. Cozzo stated, as a member of the newly formed Downers Grove Bicycle Club, he was glad to see bicycle parking encouraged. Mr. Webster inquired why bicycle parking was not required. Staff replied they felt it better to encourage it before requiring it. They noted the encouragement is intended to provide better access to downtown and Ogden Avenue.

Mr. Matejczyk inquired whether staff looked at providing motorcycle parking. Mr. Popovich noted staff was looking for motorcycle parking regulations but could not locate any. Mr. Webster noted he has some standards and could provide those. He stated motorcycle parking wasn't necessarily in striped areas, but was more of an area. Mr. Fera noted the possibility of an area being better than actual striping. Mr. Waechtler noted the noise of motorcycles and that it might not be the best option. Mr. Matejczyk stated some motorcycle spaces are located in front of the library, but Mr. Fera noted they were not approved, and staff would have a difficult time regulating them because there are no standards. Chairman Jirik suggested if staff wanted to look at how motorcycle parking worked it could be provided in lieu of car spaces.

Mr. Waechtler inquired if junk cars were covered. Mr. O'Brien stated junk cars are addressed in a different section of the Zoning Ordinance.

Mr. Cozzo asked if there are any trailer parks in the Village. Mr. O'Brien noted there are specific size requirements for trailer parks.

Chairman Jirik opened up the meeting to public comment.

There being no comment, Chairman Jirik closed the public comment portion of the meeting.

Chairman Jirik recommended the Plan Commission continue the case to the April 2nd Plan Commission Meeting to provide a final review of the proposed changes based on tonight's discussion.

WITH RESPECT TO FILE NO. PC-11-07, MR. WEBSTER MADE A MOTION TO CONTINUE THE PETITION TO DATE CERTAIN, THAT DATE BEING APRIL 2, 2007 AND THAT THE PETITION BE SECOND ON THE AGENDA.

SECONDED BY MR. COZZO.

ROLL CALL:

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

NAY: NONE

MOTION. VOTE: 7-0.

Mr. O'Brien noted the next Plan Commission meeting is Monday, April 2nd. The meeting will consist of a petition at 63rd and Main Streets and the Parking Ordinance.

MR. COZZO MOVED TO ADJOURN THE MEETING. MR. WEBSTER SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 11:15 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, APRIL 2, 2007, 7:00 P.M.

Chairman Jirik called the April 2, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler

ABSENT: Mrs. Hamernik, Mr. Webster

STAFF PRESENT: Senior Planner, Jeff O'Brien, Planners, Stan Popovich and Damir Latinovic; Public Works Assistant Director Mike Millette; Traffic Manager, Dorin Fera

VISITORS: Mr. Bradford Parkinson, 1036 62nd St., Downers Grove; Ms. Anna May Miller and Mr. Marvin P. Miller, 1026 62nd St., Downers Grove; Mr. Joseph Mendrick and Ms. Nanette Mendrick, 6124 Lane Pl., Downers Grove; Ms. Jennifer Miller; Ms. Margie Blondell, 1032 62nd Pl., Downers Grove; Ms. Maureen Donatelli and Mr. Bob Donatelli, 6120 Lane Pl., Downers Grove; Ms. Jan Gunther, 6203 Lane Pl., Downers Grove; Mr. Jon Polivka, 6012 Washington St., Downers Grove; Mr. Andrew Clark, 1226 62nd St., Downers Grove; Mr. Alex Lyubelsky of 1020 62nd Place, Downers Grove; Mr. Jim Blandough, 1032 62nd Pl., Downers Grove; Mr. Jeff Mueller 8837 Gleneagles Lane, Darien; Mr. Tim McJoynt, 1131 Warren Ave., Downers Grove

The Plan Commissioners recited the Pledge of Allegiance.

APPROVAL OF MINUTES

The March 5, 2007 minutes were approved on motion by Mr. Matejczyk, seconded by Mr. Quirk. Motion carried by voice vote of 7-0.

The March 12, 2007 minutes were approved on motion by Mr. Waechtler, seconded by Mr. Cozzo. Motion carried by voice vote of 7-0.

Chairman Jirik reviewed the protocol for the meeting.

FILE NO. PC-06-07 A petition seeking 1) Final Planned Development Approval - Green Knolls Shopping Center; 2) Special Use of a Drive-up Window for a Retail Pharmacy; 3) Final Plat of Subdivision; 4) Open Space Variation for property located at the Northwest corner of Main and 63rd Streets, commonly known as 6224 Main Street, Downers Grove, IL (PIN 09-17-308-012-011); Peter D'Angelo, Petitioner, c/o Timothy McJoynt, Attorney; Lynn and Craig Babcock, Owners.

Chairman Jirik swore in those individuals who would be speaking on behalf of File No. PC-06-07.

Mr. Damir Latinovic, Planner for the Village of Downers Grove, summarized the property is located at the northwest corner of Main Street and 63rd Street. The 5.84 acre-site currently consists of two parcels, with the larger westerly parcel occupied by the Green Knolls Shopping Center and

the easterly parcel, currently vacant, and previously occupied by the Lonestar Steakhouse restaurant. The petitioner is proposing the creation of a new Planned Development on the site and a re-subdivision of the two existing parcels into three parcels. Parcel 1 will contain the existing Green Knolls Shopping Center and a new 10,569 square foot building along 63rd Street. Parcel 2 will contain a new 14,746 square-foot Walgreens building with a drive-up window, which will replace the 15,390 square foot easterly portion of the existing shopping center building. Parcel 3 will contain a future 4,093 square foot commercial building along Main Street but will temporarily be paved and used for parking access. The building details and elevations are not being proposed at this time. The final site plan and building plans for Parcel 3 will be presented to Village Council for review and approval prior issuance of a building permit for the parcel. The petitioner is seeking approval of the final Plat of Subdivision and final Planned Development approval on the site with a Special Use for a drive-up window, and a zoning variation for the open space requirement.

Mr. Latinovic discussed the prior history of a 2004 proposal for the same site, which petition was denied in November 2004. The final proposal included a new Walgreens store as the only new building on the site located in the southeast corner of the site.

The overall site is flat, but the southeast corner of the site sits approximately 18 feet lower than the grade at 63rd and Main Streets. The petitioner is proposing a total of 81,619 square feet of floor area, which has a FAR of .32. A description of the orientation of the new Walgreens building followed as well as the new commercial building for the site.

There are five access driveways into the site: two on Main Street, one each on 63rd Street, Carpenter Street and 62nd Place. The petitioner is proposing to close the existing access to 62nd Place, relocate the southern access drive on Main Street approximately 14 feet north of its current location and convert it from a full access drive to a restricted right-turn in and right-turn out only access. Staff favors this approach.

Currently 344 parking spaces exist on the site, some of which are not accessible due to debris left over on the site from the former Lonestar restaurant. The petitioner has proposed a total of 284 parking spaces (including 9 future parking spaces proposed on parcel 3) on site. Approximately 256 parking spaces are required based on existing and proposed uses (including the future commercial building on parcel 3). According to the Future Land Use Plan, the property is designated for commercial use and is consistent with the intent of the plan.

The proposed site plan meets all zoning requirements except the common open space. The petitioner is required to provide 15 percent (approximately 38,200 sq. feet) of common open space on the site. However, the site contains only approximately 1,800 square feet of landscaped green space. The petitioner is proposing to add new common open space for a total of approximately 15,000 square feet on the site. With new landscaped islands and additional landscaped areas on the Main Street and 62nd Place parkways, the site will have a total of approximately 25,000 sq. feet of landscaped green space. Therefore, as part of the approval, the petitioner is requesting a variation from the open space requirement. Staff believes the additional parking spaces should not be converted to green space because final tenants and their parking requirements are not known at this time, and the petitioner needs excess parking to attract new retailers.

The petitioner is seeking a Special Use for the drive-up window on the north side of the Walgreens building. Staff believes it is the best location since it would separate the drive-thru traffic from the

rest of the site. The proposed development meets the requirements of the Subdivision Ordinance. The petitioner plans on replacing some existing signage on the site. All new signage will be required to comply with the Sign Ordinance and will be reviewed at the time of sign application.

As part of the shopping center renovation, improvements to the water, sanitary and stormwater utilities are proposed. An underground stormwater detention chamber is planned. The chamber will discharge into the existing storm sewer line that runs underneath the existing building. The storm sewer line will be televised and inspected to determine if its condition will be able to serve the new development. If it is determined that the condition of the existing storm sewer pipe is not satisfactory, the new storm sewer line will be installed.

Staff reviewed a preliminary submittal, and comments were provided to the petitioner. The petitioner has provided another submittal since then but staff and the Village stormwater engineering consultant did not have enough time to review the plans and verify if the original comments have been addressed prior to the Plan Commission meeting. Therefore, all original comments provided to the developer are still included in the staff report as conditions of the approval. Some of those conditions may have already been addressed. The Fire Prevention Division of the Fire Department requires all new buildings to include an automatic sprinkler system and a complete manual and automatic detection system. Staff has talked to several neighborhood residents, and all of them expressed their support for the new plans but also stated general concern regarding lighting and illuminated signage on the north side of the proposed Walgreens building.

Staff believes the proposed development is compatible with the surrounding area and will not have an adverse impact on the existing development or the existing trend of development in the neighborhood and recommended a positive recommendation.

Clarification followed for the following: Exhibit A plan, the square footage of the buildings, and the ingress/egress to the Walgreens drive-thru. The back of the new building on Parcel 1 along 63rd Street is expected to be landscaped. No loading dock is being proposed for this building. As to Parcel 3 and having enough parking, staff explained there would be a shared parking agreement on the plat of subdivision. However, once a proposal comes in for Parcel 3, the parking will have to be reviewed. Staff was comfortable with the total parking proposed including the new building proposed on Parcel 3.

Concern was raised that the Commission was being asked to approve plans without final plans for Parcel 3. As to exiting the pharmacy drive-through, the petitioner was not proposing a stop sign, but staff offered it could be added as a condition for approval.

Attorney, Mr. Tim McJoynt, 1131 Warren Avenue, Downers Grove, IL, on behalf of the owner/petitioner, introduced his team. He discussed the plan has been re-worked many times and was the best plan after working with staff and the neighbors to the north. The eastern portion of the existing shopping center building will be replaced by a smaller retail pharmacy building. The new building along 63rd Street will be constructed first and the tenants from eastern portion of the existing building that need to vacate their premises due to demolition will be relocated to the new building. The open space variance is the only variance being requested, and the final numbers for proposed landscaped green space on site will be confirmed with staff. As to the bulk characteristics, Mr. McJoynt stated all the figures were substantially under what was allowed.

Details of the neighbors' meeting followed. The lighting concerns from the neighbors will be addressed.

Mr. Matejczyk thanked the petitioner for meeting with the residents since it resolves many issues. He asked the petitioner to explain the location of the loading facilities for the proposed pharmacy.

Mr. Jeff Mueller, 8837 Gleneagles Lane, Darien, IL, on behalf of the owner, explained the loading dock would accommodate the Walgreens trucks, which are smaller tractor/trailers. Containers are used and rolled into the area, and the truck leaves.

Chairman Jirik opened the meeting to public comment.

Mr. Joseph Mendrick, 6124 Lane Place, Downers Grove, IL, lives around the corner from the shopping center. He said the prior Walgreens proposal failed because the neighbors petitioned against it at the proposed location. He thanked the Village staff for informing the neighbors early on for this proposal. He summarized how the neighbors organized themselves. Their major concerns were as follows:

- 1) The type and height of the fence – Mr. Mendrick stated the residents wanted a taller fence that was of uniform design. He stated the fence at the recently constructed National City Bank at Ogden and Fairview had a fence that would be acceptable to the neighbors.
- 2) Foliage height – Mr. Mendrick indicated the existing landscaping was poorly maintained and did not do an adequate job of screening the business activities from the residences. He stated the neighbors would prefer taller evergreen plantings to screen the shopping center from the neighbors.
- 3) Noise – Mr. Mendrick stated the noise from deliveries was an inconvenience to the neighbors. He stated more dense landscaping and a taller fence would help to mitigate some of the noise associated with the commercial activities on the property.
- 4) Lighting – Mr. Mendrick noted the proposed lighting and staff's conditions would ensure the new pharmacy would not have a negative impact on the neighbors. However, he indicated the existing lighting on the building was shining directly into some of the neighbors' homes. He stated the petitioner should look to fix this issue with the redevelopment.
- 5) No deliveries should be made before 7:00 a.m. – Mr. Mendrick explained he was aware of several grocery stores and pharmacies that had arrangements not take deliveries before 7 a.m. or after 10 p.m. He indicated the neighbors would prefer this approach for this development as well.

Mr. Mendrick stated several of his neighbors would be speaking specifically on these 5 issues.

Ms. Anna May Miller, 1026 62nd Place, Downers Grove, IL, presented photographs to staff of the type of fencing the neighbors would like, i.e., something taller and more durable than what exists and what is installed at National City Bank on Ogden Avenue.

Mr. Brad Parkinson, 1036 62nd Place, Downers Grove, IL, expressed concerns about the drive aisle behind the existing shopping center building and the truck impact and appreciated its clean up. He asked for consideration to include evergreens in the landscaping. He stated the current lighting shines into the neighbors' homes and he asked it be lowered four to five feet and angled correctly.

Ms. Jan Gunther, 6203 Lane Place, Downers Grove, IL, resides in the duplex north of the site. She emphasized consideration for noise and lighting so the neighbors could have some privacy.

Ms. Nanette Mendrick, 6124 Lane Place, Downers Grove, IL, asked to have a uniform fence, noting a six-foot fence would not bar the noise. She reiterated the need for taller foliage.

In response to the concerns about the fence, Mr. Mueller stated the entire fence would be replaced. In addition, Mr. Mueller stated the fence owned by the resident of the duplex would be replaced on her property at the petitioner's cost to match the proposed barrier fence along 62nd Place. Mr. Mueller discussed the details of the trees and fence being proposed, noting a variety of fences were suggested by the neighbors. The fence style chosen was based on the majority of what the neighbors wanted. Further dialog followed on having correct fixtures for the lighting.

Mr. Jon Polivka, 6012 Washington Street, Downers Grove, IL, discussed the petitioner was asking for a considerable amount of less green space than required. He believed it was an opportunity for a balance between the neighbors and the petitioner. He suggested the petitioner meet with the Village Forester for assistance with the green space and that a council be created for the maintenance of the green space. He offered his own assistance.

Mr. Jim Blandough, 1032 62nd Place, Downers Grove, IL just moved into his home and discussed the noticeable difference of the foliage between the time that he moved in, summer, and the arrival of winter. He appreciated the evergreens but asked for consideration of a larger number of evergreens. As to the fence, he would appreciate a solid fence to block lighting not only from the building but also from vehicle headlights.

Mr. Alex Lyubelsky, 1020 62nd Place, Downers Grove, IL, was sworn in. He supported a fence. He further discussed placing the trees closer together. He stated PVC fencing was the strongest and came in many colors. He also suggested creating a two-foot berm and then installing a fence to get more height. He voiced concern about trash maintenance of the area. He was supportive but believed a good structurally sound fence would be fine.

Mr. Beggs asked whether a two-foot masonry wall could be installed under a six-foot fence instead of a two-foot berm.

Ms. Anna May Miller, 1026 62nd Street, Downers Grove, IL, presented a picture of PVC fence in different colors.

Mr. Joseph Mendrick, 6124 Lane Place, Downers Grove, IL, appreciated honesty and noted the petitioner held an open house, and 150 neighbors did not stop by the site, since 150 neighbors did not reside in that area. Tonight the immediate neighbors were present at the meeting.

Mr. Jon Polivka, 6012 Washington Street, Downers Grove, IL asked for the hours of operation for the drive-up window and the store's hours.

Mr. Mueller explained the representative of Walgreens indicated to him the store would not be a 24-hour store but rather an 8:00 a.m. to 10:00 p.m. store. However, Walgreens did not want to restrict the store to those hours as the operations can change over time.

Mr. Alex Lyubelsky, 1020 62nd Place, Downers Grove, IL, stated most of the neighbors' bedroom windows will face the drive-thru and wanted to know what documented control the residents would have should Walgreens go to a 24-hour operation.

Mr. Brad Parkinson, 1036 62nd Place, Downers Grove, IL, reiterated about seeing headlights through a non-solid fence; that the fence be 8 feet in height; and that it be PVC.

There being no further comments, Chairman Jirik closed public participation.

On behalf of the petitioner, Mr. McJoynt, stated after consultation with the owners of the property, they will provide the PVC fence as requested by the adjoining property owners and provide it as high as it can go. Fifteen new evergreens, originally indicated on plans, were not a fixed number. Regarding the two-foot height for the berm or the wall, they will look into the matter. Regarding the drive-thru, the speaker will be located in the wall but at a low level whereby a vehicle will be blocking the noise and creating a barrier.

Mr. Beggs inquired about current deliveries taking place. Mr. Waechtler noted there was no owner present to answer any questions. Addressing landscaping maintenance for the property, Mr. Waechtler explained having a contract with a landscaping company could address those concerns. Mr. Mueller stated currently one of the owners maintained the property, but a landscaper would maintain the site. As far as the trash being picked up along 62nd Place, he stated it was on Village property, but more specifically, he indicated a national chain would usually maintain the property well. As to the installation of the evergreens, Mr. O'Brien recommended the Village Forester review and approve the landscape plans for the site with spacing, species, and rapid height to be considered. Chairman Jirik also raised discussion on what the goal was, i.e., looking for durability and yet being an optimal sound barrier. Mr. O'Brien stated his concern was to meet Village Code.

Mr. Matejczyk hoped the petitioner would continue to work with the neighbors, given their comments, yet noting the stockade fence was not acceptable. Mr. Waechtler concurred. Both Commissioners agreed the matter should not be micromanaged. Per a question, Mr. O'Brien stated there was no numerical standard to address lighting spilling onto residential property.

Because the existing lighting was not addressed in the plan, a resident recommended that treatment be made to the existing lights.

Mr. Waechtler inquired about the open house. Mr. Mueller explained 254 invitations were sent out to the neighbors, and an open house was held which invited not only neighbors but also shopping center visitor. Per another question about deliveries, Mr. Mueller did not know whether deliveries would be made prior to 7:00 a.m. but offered to find out the information prior to the Village Council meeting.

Per another question, Mr. Mueller offered to install either a yield sign or stop sign at the drive-through lane of the pharmacy. Mr. Waechtler voiced his concerns about the reduction of landscaping and asked if more could be done. Mr. Mueller stated according to his calculations, the proposed landscape green space on site is approximately 9.71% with the landscaped islands, but he would re-run the figures. He also discussed with staff that it was better to have more parking availability to attract larger tenants to the site. Staff noted that the landscaping on the Village parkways along the fence line on 62nd place was not originally counted toward the overall landscaping percentages.

WITH RESPECT TO FILE NO. PC-06-07, MR. BEGGS MADE MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL OF THE PROPOSED SUBDIVISION AND FINAL PLANNED DEVELOPMENT-GREEN KNOLLS SHOPPING CENTER WITH SPECIAL USE FOR DRIVE-UP WINDOW AND A ZONING VARIATION FROM THE OPEN SPACE REQUIREMENT TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PROPOSED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED APRIL 2ND, 2007; THE ENGINEERING PLANS PREPARED BY INTECH CONSULTANTS, INC. DATED FEBRUARY 21, 2007 AND REVISED ON MARCH 16, 2007; THE FINAL SUBDIVISION PLAT OF GREEN KNOLLS SUBDIVISION PREPARED BY INTECH CONSULTANTS, INC. DATED MARCH 14, 2007; THE EXHIBIT A PLAN PREPARED BY INTECH CONSULTANTS, INC. DATED DECEMBER 6, 2006 AND REVISED ON MARCH 16, 2007; THE LIGHTING PLAN PREPARED BY RUUD LIGHTING DATED MARCH 13, 2007; THE LANDSCAPE PLAN AND ARCHITECTURAL PLANS SUBMITTED WITH THIS PETITION, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE FINAL ELEVATION AND SITE PLAN FOR THE NEW COMMERCIAL BUILDING ON PARCEL 3 SHALL BE PRESENTED TO VILLAGE COUNCIL FOR REVIEW AND APPROVAL PRIOR TO RECEIVING A BUILDING PERMIT FOR PARCEL 3.**
- 3. PRIOR TO THE ISSUANCE OF CONSTRUCTION/SITE DEVELOPMENT PERMITS, THE FOLLOWING CHANGES SHALL BE MADE TO THE PLANS:**
 - 1. PLANS SHALL INDICATE THE LIGHTING WILL BE DIRECTED AWAY FROM THE ADJACENT RESIDENCES ON THE NORTH SIDE OF THE PROPOSED WALGREENS BUILDING. NO ILLUMINATED SIGNAGE SHALL BE LOCATED ON THE NORTH SIDE OF THE PROPOSED WALGREENS BUILDING.**
 - 2. THE ELEVATIONS FOR THE NEW TRASH ENCLOSURE FOR THE NEW RETAIL BUILDING ALONG 63RD STREET SHALL BE PROVIDED.**
 - 3. DETAILED PLANS FOR THE RETAINING WALL FOR THE NEW SIGNAGE ON THE CORNER OF 63RD STREET AND MAIN STREET SHALL BE PROVIDED. THE SIGN APPLICATION SHALL BE SUBMITTED FOR ALL NEW SIGNAGE ON SITE.**
 - 4. THE INGRESS AND EGRESS EASEMENT/SHARED PARKING PROVISIONS LANGUAGE ON THE 'EXHIBIT A' PLAT SHALL BE PLACED ON THE PLAT OF SUBDIVISION.**
 - 5. THE SERZ ORDINANCE REQUIREMENTS ARE BEING UTILIZED FOR THIS PROJECT, AND THE DETENTION VAULT HAS BEEN DESIGNED FOR THE 2-YEAR STORM. HOWEVER, THE CRITICAL DURATION 2-YEAR, 50-YEAR AND 100-YEAR STORM EVENTS FOR BOTH EXISTING AND PROPOSED CONDITIONS MUST BE SUBMITTED SHOWING THERE ARE NO INCREASES IN FLOW RATES BETWEEN EXISTING AND PROPOSED CONDITIONS.**

6. THE RAINFALL DEPTHS USED FOR EACH DURATION AND EVENT SHALL BE CLEARLY SHOWN ON THE HYDROGRAPH-ROUTING CALCULATIONS OR MODELING.
7. ALL BUILDING DOWNSPOUTS SHALL BE DIRECTED INTO THE STORM SEWER, AND THE SITE RE-GRADED SO ALL PROPOSED IMPROVEMENTS DRAIN TO THE DETENTION VAULT.
8. THE CRITICAL DURATION 100-YEAR OVERLAND FLOW ROUTE SHALL BE INDICATED ON THE PLANS.
9. THE LIMITS OF CONSTRUCTION APPEAR TO BE LARGER THAN THE STATED 2.25 ACRES. A SCALEABLE EXHIBIT SHALL BE PROVIDED THAT SHOWS THE LIMITS OF CONSTRUCTION FOR ALL PROPOSED GRADING AND REVISIONS WITH THE LIMITS CLEARLY MARKED. IF THE AREA IS LARGER, THEN THE DETENTION CALCULATIONS MUST BE REVISED ACCORDINGLY.
10. AS THE SERZ ORDINANCE CRITERION IS BEING USED ALONG WITH UNDERGROUND DETENTION, A BEST MANAGEMENT PRACTICE (BMP) SHALL BE UTILIZED FOR THE PROJECT. A PERMANENT SEDIMENT, OIL AND GREASE SEPARATION CHAMBER IS PREFERRED SUCH AS VORTECHS (ANY BRAND IS ACCEPTABLE). THE BMP SHALL BE DESIGNED FOR THE CRITICAL DURATION, 2-YEAR RAINFALL EVENT.
11. THE GRADING PLAN SHALL BE REVISED TO SHOW PROPOSED GRADING CONTOURS NOT JUST PROPOSED SPOT ELEVATIONS AS CURRENTLY SHOWN.
12. SHEET 5 OF THE ENGINEERING PLANS SHALL BE REVISED TO SHOW THE DETENTION VAULT NWL, HWL AND ASSOCIATED STORAGE VOLUME.
13. THE OUTLET CONTROL STRUCTURE MUST BE REVISED BASED ON THE VILLAGE'S PREFERRED OUTLET CONTROL STRUCTURE DETAIL. PLEASE NOTE THAT THE OVERFLOW WEIR MAY BE INSIDE THE OUTLET CONTROL STRUCTURE.
14. THE OVERFLOW WEIR OF THE DETENTION VAULT SHALL BE MODELED IN THE HYDROGRAPH ROUTING CALCULATIONS.
15. ON SHEET 5 OF THE ENGINEERING PLANS, THE SEDIMENT AND EROSION CONTROL MEASURES SHALL BE SHOWN ON THE ACTUAL PLAN WITH AN ACCOMPANYING LEGEND NOT JUST LISTED ON THE LEFT OF THE SHEET.
16. THE STORM SEWER CALCULATIONS SHALL BE PROVIDED INCLUDING HYDRAULIC GRADE LINE CALCULATIONS. THESE SHALL BE BASED ON A 10-YEAR TAILWATER ELEVATION FROM THE DETENTION VAULT. PLEASE NOTE THAT AN ADDITIONAL STORM SEWER WILL LIKELY BE REQUIRED BASED ON PREVIOUS COMMENTS.
17. THE CALCULATIONS FOR THE CURVE NUMBER AND PERCENT IMPERVIOUSNESS OF THE SITE SHALL BE PROVIDED.

18. A DELINEATION OF THE AREA TRIBUTARY TO EACH STORM SEWER INLET SHALL BE PROVIDED ON A TOPOGRAPHIC MAP.
19. MAINTENANCE ACCESS SHALL BE PROVIDED FOR THE UNDERGROUND DETENTION SYSTEM. A MINIMUM OF TWO OPENINGS AT LEAST 36" IN DIAMETER SHALL BE PROVIDED WITH LADDERS FOR MAINTENANCE ACCESS.
20. THE HWL OF THE POND, OVERFLOW INFORMATION AND INLET AND OUTLET PIPE INVERTS SHALL BE SHOWN ON THE OUTLET CONTROL STRUCTURE DETAIL.
21. THE PETITIONER SHALL SHOW DOCUMENT(S) OF EVIDENCE OF APPROVAL RECEIVED FROM THE DUPAGE COUNTY DOT REGARDING THE RIGHT-IN/RIGHT-OUT DRIVEWAY DESIGN OFF MAIN STREET PRIOR TO ISSUANCE OF A BUILDING PERMIT.
22. THE '8 FOOT BUILDING LINE' ON THE PLAT OF SUBDIVISION AND THE 'EXHIBIT A' PLAT IS INCORRECT AND SHALL BE REMOVED FROM PLANS.
23. THE WINDOW OPENINGS SHALL NOT BE LOCATED ON THE WEST SIDE OF PROPOSED WALGREENS BUILDING.
24. PLANS SHALL BE SUBMITTED, ALONG WITH CUT SHEETS, FOR A COMPLETE AUTOMATIC SPRINKLER SYSTEM FOR ALL NEW BUILDINGS.
25. PLANS SHALL BE SUBMITTED, ALONG WITH CUT SHEETS, FOR A COMPLETE MANUAL AND AUTOMATIC DETECTION SYSTEM FOR ALL NEW BUILDINGS.
26. A DETAILED ENGINEER'S COST ESTIMATE MUST BE PREPARED FOR ALL GRADING, SEDIMENT AND EROSION CONTROL MEASURES, ALL MAJOR AND MINOR STORMWATER STRUCTURES INCLUDING BUT NOT LIMITED TO STORM SEWER, BMPS AND THE DETENTION VAULT.
27. A MAINTENANCE PLAN SHALL BE DRAFTED FOR THE STORMWATER INFRASTRUCTURE AND ACCOMPANY THE STORMWATER SUBMITTAL.
28. AS THE SITE IS GREATER THAN ONE ACRE, A SUBMITTAL TO IEPA IS REQUIRED FOR NPDES PHASE II COMPLIANCE. THE VILLAGE OF DOWNERS GROVE SHALL BE COPIED ON CORRESPONDENCE WITH IEPA REGARDING THE SUBMITTAL FOR NPDES PHASE II COMPLIANCE.
29. THE DOMESTIC WATER SERVICE SIZE SHALL BE CHANGED ON THE UTILITY PLAN TO 1½ INCH TYPE 'K' COPPER FOR THE WALGREENS BUILDING.
30. THE LOCATION OF THE PROPOSED B-BOX FOR WALGREENS SHALL BE INDICATED ON THE UTILITY PLAN.
31. THE LOCATION AND SIZE OF ALL EXISTING WATER SERVICES TO THE BUILDING THAT WILL BE DEMOLISHED SHALL BE LABELED ON THE UTILITY PLAN. ALL EXISTING WATER SERVICES SHALL BE DISCONNECTED AT THE WATER MAIN. THIS REQUIREMENT SHALL BE LISTED AS A NOTE ON THE PLAN.

32. **THE EXISTING FIRE HYDRANT THAT WILL BE RELOCATED SHALL BE DISCONNECTED AT THE TEE AT THE WATER MAIN. A NEW SIX INCH TAP SHALL BE MADE AT THE LOCATION OF THE RELOCATED HYDRANT. THESE REQUIREMENTS SHALL BE NOTED ON THE UTILITY PLAN.**
33. **ELIMINATE THE SIX INCH 90 DEGREE BEND ON THE PROPOSED SIX INCH FIRE LINE TO THE PROPOSED RETAIL BUILDING.**
34. **THE FIRE HYDRANT SHALL BE LABELED ON THE UTILITY PLAN AS A PRIVATE HYDRANT AND SHALL BE PAINTED RED. PLEASE PLACE A NOTE ON THE UTILITY PLAN THAT STATES: "THIS FIRE HYDRANT IS PRIVATE AND SHALL BE PAINTED RED".**
35. **PROVIDE MORE INFORMATION ABOUT THE DOMESTIC WATER SUPPLY FOR THE TWO PROPOSED RETAIL BUILDINGS. INDICATE THE SIZE OF THE PROPOSED WATER SERVICES AND PROPOSED B-BOX LOCATIONS ON THE UTILITY PLAN. EACH INDIVIDUAL UNIT SHALL BE METERED SEPARATELY, AND EACH UNIT SHALL HAVE ITS OWN B-BOX. INDICATE THE LOCATION OF THE WATER SERVICE CONNECTION AT THE WATER MAIN.**
36. **THE HANDICAPPED PAVEMENT MARKINGS SHALL BE A MINIMUM OF 30 INCHES BY 36-INCHES.**
37. **THE "DOME STAMP" PATTERN WITHIN SIDEWALKS FOR ADA TREATMENT IS NOT ACCEPTABLE IN THE VILLAGE. THE CONTRACTOR WILL BE REQUIRED TO PROVIDE FOUR-FOOT X TWO-FOOT CERAMIC TILES (PER EACH LOCATION) IMBEDDED IN FRESHLY POURED CONCRETE FABRICATED BY DETECTABLE WARNING SYSTEMS, OR APPROVED EQUAL.**
38. **NEW STOP SIGNS SHALL BE INSTALLED AT THE MAIN STREET ACCESS DRIVEWAYS, PER THE VILLAGE STANDARDS.**
39. **THE "WALGREENS" SIGN ON THE EAST SIDE OF THE SITE NEAR MAIN STREET SHALL BE LOCATED SUCH THAT IT WILL NOT VIOLATE THE VILLAGE'S VERTICAL AND HORIZONTAL SIGHT LINE REQUIREMENTS, AS DESCRIBED IN THE VILLAGE STANDARDS.**
40. **THE PETITIONER IS NOTIFIED THAT THE FINE FOR VIOLATION OF A HANDICAPPED SPACE IS \$250.00 IN THE VILLAGE, EFFECTIVE JANUARY 1, 2006, AND SHALL BE SO POSTED ON EACH INSTALLED HANDICAPPED SIGN.**
41. **THAT THE EXISTING LIGHTING FIXTURES BEHIND THE SHOPPING CENTER BUILDING SHALL BE MODIFIED IN A MANNER THAT LIGHT IS NOT SPILLING ONTO THE RESIDENTIAL PROPERTIES AND IS REDIRECTED AWAY FROM RESIDENTIAL PROPERTIES.**
42. **A NEW EIGHT (8) FOOT HIGH, SOLID, DURABLE FENCE WITH NO GAPS SHALL BE INSTALLED AND MAINTAINED BY PETITIONER ALONG THE ENTIRE NORTH AND NORTHWEST PROPERTY LINE.**

43. NEW LANDSCAPING SHALL BE PROVIDED BY THE PETITIONER ALONG THE NORTHERN PROPERTY LINE. SUCH LANDSCAPING SHALL BE A MINIMUM SIX (6) FOOT HIGH, RAPID GROWING, EVERGREEN FOLIAGE SHALL BE INSTALLED BY PETITIONER ALONG THE ENTIRE 62ND PLACE RIGHT OF WAY, AS APPROVED BY VILLAGE FORESTER.

44. A NEW STOP SIGN SHALL BE INSTALLED IN THE NORTHEAST PORTION OF THE WALGREENS PARKING LOT NEAR THE NORTHERN MAIN STREET ACCESS DRIVEWAY.

SECONDED BY MR. WAECHTLER.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

(The Plan Commissioners took a seven-minute break at 9:00 p.m. and reconvened at 9:07 p.m.)

FILE NO. PC-11-07 A petition seeking an Amendment to Chapter 28 of the Municipal Code-Zoning Ordinance, Article 14 Off-Street Parking and Loading; Village of Downers Grove, Petitioner

Mr. Stan Popovich, Village Planner, presented a revised Amendment to Chapter 28 and briefly reviewed the redlined changes made within the document. Staff recommended approval of the petition.

Regarding the screening of recreational vehicles, a question was raised on whether to increase the fence height to eight feet versus six feet. Mr. Waechtler asked for input. Concern followed that structural issues could be raised, and eight-foot fences were typically seen around commercial areas.

As to the 90-day requirement for portable storage containers, Mr. Waechtler suggested 60 days initially with an applicant to request for additional days. Staff worked with Code Services in the Building Department, and believed 90 days was a feasible time period. Staff did not object to lowering the number of days. After a brief dialog, commissioners decided to let the 90 days stand.

Regarding Figure 1B, "Class B" or "Class C", will remain. Staff would better clarify the two classes.

WITH RESPECT TO FILE NO. PC-11-07, MR. MATEJCZYK, MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR ACCEPTANCE OF THE CHANGES AS PREPARED BY STAFF WITH THE INCLUSION OF BETTER CLARIFICATION OF “CLASS B” AND “CLASS C” AS PER THE ITE MANUAL.

SECONDED BY MR. COZZO.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Discussion followed on the upcoming agenda and projects, including Main and Maple and the Taco Bell project. Mr. Matejczyk suggested Staff add page numbers to exhibits. Mr. Waechtler thanked representatives from the Village’s Traffic and Public Works departments for attending tonight’s meeting. Staff reported that the 5240 Thatcher Road proposal will be moving forward to the Village Council. However, the petitioner has not provided a traffic report. Any decision will be withheld until staff receives the traffic report.

MRS. RABATAH MOVED TO ADJOURN THE MEETING. MR. QUIRK SECONDED THE MOTION.

THE MEETING WAS ADJOURNED AT 9:30 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, APRIL 23, 2007, 7:00 P.M.

Chairman Jirik called the April 23, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

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

VISITORS: Mr. Ryan Oyster, GPD Group, 520 S. Main St., Akron, OH; Mr. Mitchell Mize, Intercapital Main & Maple LLC, 414 N. Orleans, Chicago; Ms. Judy Torres, Taco Bell, 7451 Lemont Rd., Downers Grove; Mr. Michael Flynn, Business & Banking Services, 936 Maple, Downers Grove

APPROVAL OF MINUTES

(Mr. Webster arrives at 7:01 p.m.) The April 2, 2007 minutes were approved on motion by Mr. Quirk, seconded by Mrs. Rabatah. Motion carried by voice vote of 9-0.

Chairman Jirik reviewed the protocol for the meeting.

FILE NO. PC-14-07; 7451 Lemont Road Taco Bell Restaurant: A petition seeking 1) an Amendment to Planned Development #18 Downers Park Plaza and 2) Special Use for a Drive-Up Window at a sit-down restaurant located on the Northeast corner of Lemont Road and 75th Street, commonly known as 7451 Lemont Road, Downers Grove, IL (PIN 09-29-110-001); Ryan Oyster, GPD Group, Petitioner; Kimco Realty Corp., owner.

Chairman Jirik swore in those individuals who would be speaking on File No. PC-14-07.

Mr. Damir Latinovic, Village Planner, indicated the site is 40,000 square feet and is located on the northeast corner of 75th Street and Lemont Road. The property is zoned B-2, General Retail Business and is part of Planned Development #18 Downers Park Plaza originally approved in 1977. The property currently has an existing 2,500 square foot Taco Bell building with a drive-through facility. Because there are proposed changes to the site, the petitioner is requesting an amendment to the Planned Development. The petitioner would like to demolish the existing building and construct a new one-story, 2,831 square foot sit-down restaurant with a drive-up window on the south side of the property, which is allowed only as a Special Use.

The maximum height of the building will be 19.6 feet, and it will meet all required setbacks. No changes are being proposed to the existing access drives. The new building will have a .07 Floor Area Ratio meeting the maximum allowed FAR of 0.75 and will include approximately 42.4% of total open space, thereby exceeding the minimum requirement of 15%. The Zoning Ordinance requires a restaurant to provide one parking space for each 100 square feet of gross floor area. The 2,831 square foot building is required to provide 29 parking spaces on site. However, the proposed site plan indicates 36 parking spaces are proposed. The drive-through lane, which will allow for

nine stacked vehicles, will include one pre-pay window and one pick-up window to allow for improved service.

The proposal is part of the 75th Street Commercial Corridor and should have minimal impact on parking and traffic circulation on the site. The proposal is consistent with the Village's Future Land Use Plan, and the site plan meets all zoning requirements. Preliminary plans indicate all new signage will meet the Sign Ordinance, but signage will be reviewed again at the time of the sign permit application. Because the development will not require an on-site detention facility, the petitioner is proposing to use the existing on-site water and storm sewer lines. The final utility configurations will be reviewed prior to the issuance of the building permit and will have to meet all stormwater management ordinance requirements. The Fire Department has required the new building to provide a complete automatic sprinkler system and a complete manual and automatic detection system.

As the proposed amendment is compatible with zoning and land uses, staff recommends that the Plan Commission make a positive recommendation to the Village Council subject to the conditions listed in its memorandum.

Discussion followed that Planning Department staff and the Code Inspection staff will review the signage again. Staff dialog followed that a previous drive-through restaurant did not require a Special Use in the mid-1980's. The Ordinance has been amended since to allow drive-through windows with a Special Use mainly due to unique traffic circulation patterns, vehicle stacking and potential for backing up traffic on thoroughfares.

On behalf of the petitioner, Mr. Ryan Oyster, GPD Group, 520 S. Main St., Akron, Ohio, summarized plans are to demolish the existing structure because it is dated. The proposed building is about 300 square feet larger and more efficient. The current building was actually retrofitted to be a Taco Bell. The drive-through will allow for the stacking of nine vehicles. Two drive-up windows in one drive-through lane are proposed: a payment window and a pick-up window. Mr. Oyster discussed where the main entrance would be located.

Mr. Waechtler asked if the petitioner could provide one more handicap space, wherein Mr. Oyster explained in adding an additional stall he would be losing another parking space. Illinois law required an access point for each handicap space. Mr. Oyster offered to return with the recommendation to Taco Bell. However, clarification followed that two handicap spaces were already provided. Mr. Waechtler commended the petitioner for the additional open space since the site was very bare.

Mr. Oyster explained the landscaped islands would include sod. Originally, the islands were striped out on the plans. Staff indicated the Plan Commission could make a condition to beautify the islands versus just sod. Mr. Matejczyk expressed concern about the maintenance of whatever landscaping was placed on the islands due to the fact there was no enforcement. Mr. Waechtler also expressed concern about visibility issues.

Discussion followed on reference to the ITE Manual and the traffic figures provided by the Traffic Engineer. Mr. Oyster stated the source for those figures was from his firm. Chairman Jirik confirmed with the petitioner and staff that the architectural plans and colors provided were accurate, and the petitioner would have to adhere to those plans.

Chairman Jirik opened up the meeting to public comment. No comments followed. Public comment was closed.

The petitioner thanked the Plan Commissioners for their time and looked forward to bringing the proposal to the Village.

Mr. Matejczyk had positive comments in general and was curious to know the average lifespan of these restaurants. Mr. Waechtler also commended Taco Bell for coming in and modernizing the building. Chairman Jirik stated in reviewing the standards and findings of fact, he did not find it necessary to review them point by point because the proposal was clearly a fine example of the continuing use and was an enhancement for the area and for the Village.

WITH RESPECT TO FILE NO. PC 14-07, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED AMENDMENT TO PLANNED DEVELOPMENT #18, DOWNERS PARK PLAZA, AND A SPECIAL USE FOR THE DRIVE-UP WINDOW FOR THE TACO BELL SIT-DOWN RESTAURANT BUILDING, SUBJECT TO THE FOLLOWING CONDITIONS AS OUTLINED BY STAFF:

- 1. THE PROPOSED PLANS SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED APRIL 23, 2007; THE ALTA/ACSM LAND TITLE SURVEY PREPARED BY GENTILE AND ASSOCIATES, INC. DATED FEBRUARY 14, 2007; THE ARCHITECTURAL PLANS PREPARED BY GPD ASSOCIATES DATED MARCH 2, 2007 AND REVISED ON MARCH 22, 2007; EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGECODES AND ORDINANCES.**
- 2. THE SIGN APPLICATION SHALL BE SUBMITTED FOR ALL NEW SIGNAGE ON SITE. ALL PROPOSED SIGNAGE SHALL MEET THE VILLAGE'S SIGN ORDINANCE.**
- 3. THE PROPOSED BUILDING SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED.**
- 4. THE PROPOSED BUILDING SHALL HAVE A MANUAL FIRE ALARM AND AUTOMATIC DETECTION SYSTEM INSTALLED.**
- 5. ALL FIRE ALARMS SHALL BE U.L. CERTIFIED UPON ACCEPTANCE BY THE DOWNERS GROVE FIRE PREVENTION BUREAU.**
- 6. PRIOR TO THE COMMENCEMENT OF SITE DEVELOPMENT ACTIVITIES, THE APPROPRIATE PERMITS (WATER, STORMWATER, SITE DEVELOPMENT, RIGHT-OF-WAY, ETC.) SHALL BE OBTAINED FROM THE APPROPRIATE PERMITTING AUTHORITY.**

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 9-0

FILE NO. PC-15-07; Main and Maple Final Planned Development and Special Use: The petitioner is requesting a Final Planned Development and Special Use at the Northeast Corner of Main Street and Maple Avenue. The petitioner is proposing to construct a mixed-use development that includes retail uses on the first floor and residential uses on the second and third floors.

Chairman Jirik swore in those individuals who would be speaking on File No. PC 15-07.

Mr. Stan Popovich, Village Planner, discussed the proposal for the construction of a new three-story mixed-use building at the northeast corner of Main Street and Maple Avenue. In February 2006, there was a previous proposal before this Commission, which called for a four-story mixed use and residential use building. However, while the Plan Commission approved it, it was never forwarded to the Village Council. At present, the new proposed three-story building will be approximately 18,600 square feet of which approximately 5,300 square feet will be dedicated to four retail spaces. Five residential units will be provided on the second and third floors. The petitioner is requesting a Planned Development and Special Use to allow this new building.

The building will front Main Street and Maple Avenue. Details of the structure followed, noting there are five garages for the five residential units. Four two-car garages and one one-car garage are being provided, and 10 additional parking spaces are being provided. The Village requires 1.4 parking spaces per dwelling unit in the Downtown Business District. However, parking is not required for the commercial uses in the same district. A handicap parking space, while not shown, will be provided. The Main Street curb cut will be removed, but the existing Maple Avenue access will be revised and expanded to a 24-foot width. Second and third floor plans were noted. A public walkway will be located on the second floor. Each of the residential units has its own terrace. Landscaping will be provided. Some street trees are proposed, and screening of the parking lot will take place on the east side.

All bulk requirements are being met, and the proposal meets the requirements of the Zoning Ordinance and the village's Future Land Use Plan. The petitioner is proposing to use the existing sanitary sewer and provide domestic water service and a new storm sewer. The storm sewer will run North underneath the parking lot and West to Main Street. It requires a three-foot easement, but two feet will be required from the property owner to the North. The petitioner is working with the owner on the easement matter. If the easement is not obtained, the petitioner has agreed to eliminate one to two feet (1' to 2') from his building to provide the utility easement.

An existing traffic signal cabinet and post will have to be relocated. Currently there is no signage proposed, but that will be reviewed at the time permit applications are submitted. Staff recommended approval subject to the conditions listed in its staff memorandum.

Commissioner comments followed. In addressing the current curb cut on Main Street, Mr. Waechtler stated it was very difficult to make a left turn out of it. Addressing access to the units, staff noted the residential units would be accessed from the rear of the building and along the second floor through the walkway. Mr. Beggs expressed concern about a proposed tree blocking the traffic signal at the corner and recommended that the petitioner not install a tree there. Mr. Waechtler shared similar concerns. As to security on the staircase to the residential units, staff had no concerns but pointed out it was a public access and each private terrace had a gated entrance. Mr. Matejczyk inquired as to who would have responsibility for the public walkway space. Mrs. Rabatah shared the same concerns.

As to the parking on the east side, staff recalled the retaining wall was approximately three feet in height. The petitioner and the property owner were addressing landscaping screening on the East side of the parking lot. Mr. Popovich did not recall a fence on the East side of the property. No signage for the parking lot was being proposed at this time. Mr. Waechtler believed some sort of guest signage would be appropriate. As to allocating spaces for the retail uses, Mr. Popovich noted there was no required parking in the Downtown Business District for guest parking and no requirement for commercial parking for the retail units. He clarified the ten parking spaces were for retail customers and for residential guests.

Petitioner, Mr. Mitchell Mize, with Intercapital Main and Maple LLC, 414 N. Orleans, Chicago, Illinois, was present to answer questions. As to the security and access from the public walkway, Mr. Mize stated it was mislabeled as “public” and clarified it was a common area. He agreed to work with the Building Department to see how the walkway could be secured, but stated it provided a secondary means of egress for the units. Mr. Matejczyk liked the proposal, stating it fit well in the downtown area. Regarding the stairway to the roof, Mr. Mize stated it was at staff’s recommendation. He did not prefer the stairway. Mr. Popovich explained staff was under the assumption that having a three-floor building, a rooftop access was required. However, after reviewing the International Building Code, a roof access was required for four stories or more. Mr. Popovich stated the roof staircase could be removed. Commissioners asked that the roof staircase be removed. As to signage, Mr. Mize stated the signage would depend upon speaking with the commercial brokers for their input.

Mr. Waechtler shared his concern about left-turn difficulties out onto Maple Avenue. Others shared their own input on the matter, noting that common sense would probably prevail. Mrs. Hamernik noted the residential units should be allowed to turn either left or right and the new owners would learn quickly if they would be able to make a left turn. As to having signage for pedestrians when crossing the access, Mr. Mize stated he was agreeable with whatever staff wanted. Mr. O’Brien said typically a sidewalk is carried through a driveway, similar to the 922 Warren Avenue project.

As to the access onto Maple Avenue, because the property has one full access and one limited access, Mr. O’Brien explained it was important, from staff’s perspective, to maintain the street wall along Main Street and to provide the petitioner with a full access point. Staff thought it was the best location for the access. A brief clarification of landscaping maintenance followed.

Chairman Jirik opened the matter to public comment. No comments received. Public comment was closed.

Overall, Mr. Matejczyk had positive comments about the proposal, noting it fit in well as to the architecture and size. As to the access to the condos, he felt the petitioner needed to work those out in the market and recommended the Commission not address the matter. While Mr. Webster liked the look of the project, he did not believe it was the appropriate time to place such a building on the site, since so much development was already occurring in the downtown area that is not currently leased or sold. Mr. Matejczyk disagreed, noting it was the developer who was supporting the project financially, and it was not for this Commission to question. Mr. Webster stated he would vote against it, but not on the merits of the project. A short dialog followed on the various developments occurring in the downtown district and the notion of how this project positively affects adjacent properties. Mrs. Rabatah also supported the project, noting it fit in well with the area. The Chairman spoke about the transition occurring in the area and the parcel being “awkward.” However, in the end, he believed the market would decide. Chairman Jirik believed the proposal offered many positives and noted project met the standards for approval.

Discussion then followed on whether the Village addressed overnight parking. Mr. O’Brien stated it had not been addressed yet, but staff was working toward a resolution and trying to address that concern. Mr. O’Brien explained how some of the developments after the Acadia project incorporated guest parking for their particular developments. Mr. Matejczyk agreed the guest parking matter needed to be addressed. Further dialog followed on commuter parking versus shopper parking.

WITH RESPECT TO FILE NO. PC-15-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND APPROVAL OF THE PLANNED DEVELOPMENT FOR A MIXED-USE BUILDING, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PROPOSED BUILDING AND SITE IMPROVEMENTS SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED APRIL 23, 2007; ARCHITECTURAL PLANS PREPARED BY BLOODGOOD SHARP BUSTER ARCHITECTS AND PLANNERS INC., DATED MARCH 12, 2007, THE ENGINEERING IMPROVEMENT PLANS PREPARED BY GC ENGINEERING INC., DATED MARCH 14, 2007; LANDSCAPE PLANS PREPARED BY BSB DESIGN, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PROPOSED PLAN SHALL PROVIDE ONE ACCESSIBLE PARKING SPACE PER ILLINOIS LAW.**
- 3. AS SHOWN ON THE ENGINEERING PLANS, A THREE-FOOT (3’) PERMANENT DRAINAGE EASEMENT SHALL BE PROVIDED ALONG THE NORTH SIDE OF THE PROPOSED BUILDING FOR THE STORM SEWER AND ROOF ACCESS STAIR. THE EASEMENT WILL INCLUDE APPROXIMATELY TWO FEET (2’) OF THE PARCEL TO THE NORTH OF THE PROPOSED DEVELOPMENT. THE PETITIONER SHALL RECORD THE EASEMENT WITH THE DUPAGE COUNTY RECORDER AND PROVIDE THE VILLAGE WITH THREE (3) HARD COPIES OF THE RECORDED EASEMENT PRIOR TO THE ISSUANCE OF ANY BUILDING, CONSTRUCTION OR SITE DEVELOPMENT PERMITS.**
- 4. IF AN EASEMENT IS NOT SECURED, THE BUILDING SHALL BE REDUCED BY ONE TO TWO FEET (1’-2’) TO ALLOW A PERMANENT DRAINAGE EASEMENT ENTIRELY WITHIN THE SUBJECT PROPERTY. REVISED**

ARCHITECTURAL AND ENGINEERING PLANS SHALL BE SUBMITTED TO THE VILLAGE FOR APPROVAL.

- 5. TO ENSURE ADEQUATE SPACE WITHIN THE TRASH ENCLOSURE, DOCUMENTATION SHALL BE PROVIDED IDENTIFYING IF BOTH RESIDENTIAL AND RETAIL TENANTS ARE TO USE THE TRASH ENCLOSURE.**
- 6. THE PROPOSED CANOPIES ALONG THE SOUTH AND WEST FACADES ENCROACH INTO THE VILLAGE'S RIGHT-OF-WAY. A LICENSE AGREEMENT FOR THE CANOPIES WILL HAVE TO BE EXECUTED WITH THE VILLAGE.**
- 7. THE LANDSCAPE FEATURE AT THE SOUTHWEST CORNER OF THE SITE ENCROACHES INTO THE PUBLIC RIGHT-OF-WAY. A LICENSE AGREEMENT FOR THE FEATURE WILL HAVE TO BE EXECUTED WITH THE VILLAGE WITH MAINTENANCE FOR THE FEATURE BEING THE RESPONSIBILITY OF THE BUILDING OWNER.**
- 8. IF THE EXISTING TRAFFIC SIGNAL EQUIPMENT REQUIRES RELOCATION, THE PETITIONER SHALL WORK WITH THE VILLAGE TO ENSURE THE RELOCATION MEETS VILLAGE STANDARDS.**
- 9. THE NEW BUILDING SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF THE NEW BUILDING SHALL BE PROTECTED. PROVIDE WORKING DRAWINGS AND CUT SHEETS DURING PERMIT REVIEW.**
- 10. THE NEW BUILDING SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF THE NEW BUILDING SHALL BE PROTECTED. PROVIDE WORKING DRAWINGS AND CUT SHEETS DURING PERMIT REVIEW.**
- 11. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS (SITE DEVELOPMENT, BUILDING, ETC), THE PETITIONER SHALL MAKE DONATIONS TO THE SCHOOL AND PARK DISTRICTS IN THE FOLLOWING AMOUNTS: \$2,954.90 TO DISTRICT 58; \$1,224.01 TO DISTRICT 99 AND \$8,966.12 TO THE DOWNERS GROVE PARK DISTRICT (GRAND TOTAL OF \$13,145.03) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

SECONDED BY MRS. HAMERNIK.

A discussion occurred where Mr. Beggs was asked if he would like to amend his motion to include added conditions that dealt with roof access, the Maple Avenue tree closest to the intersection, and access to the 'public' walkway. Mr. Beggs declined, noting staff was better able to deal with these specific issues and come to an agreement with the petitioner. Mrs. Hamernik agreed.

ROLL CALL:

AYE: MR. BEGGS, MRS. HAMERNIK, MR. COZZO, MR. MATEJCZYK, MR QUICK, MRS. RABATAH, MR. WAECHTLER

NAY: MR. WEBSTER

Mr. Webster was provided with an opportunity to comment on his Nay vote. Mr. Webster stated he did not believe another development should be placed downtown at this time as the Village has a significant amount of development currently taking place with numerous existing storefronts being empty.

MOTION CARRIED: VOTE: 8-1

Mr. O'Brien informed the Commission the new Community Development Director, Mr. Tom Dabareiner, AICP, started with the Village today, and he may attend a future Plan Commission meeting.

Mr. Matejczyk praised the staff for the quality of their work and Chairman Jirik asked staff to look into completing a visioning session with the new Village Council once they have some time to get their feet wet. Chairman Jirik noted previous visioning sessions were very helpful in the past, but they had not completed any visioning sessions recently.

MRS. HAMERNIK MOVED TO ADJOURN THE MEETING. MRS. RABATAH SECONDED THE MOTION. THE MEETING ADJOURNED AT 8:25 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

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

Chairman Jirik called the May 7, 2007 meeting of the Plan Commission to order at 7:05 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

ABSENT: Mrs. Hamernik

STAFF PRESENT: Senior Planner, Jeff O'Brien, Planner Stan Popovich, Director of Community Development, Tom Dabareiner, Assistant Director of Public Works, Mike Millette

VISITORS: Jerry Kiluk, 4733, Puffer Rd., Downers Grove, Mark Thoman, 1109 61st St., Phil Barr, 4605 Puffer Rd., Les Hunzinger, 3704 Venard Rd., Darcy Berg, Downers Grove Park Dist, 2544 Warrenville Rd., Ed Sherman, Atty. 490 N. Ashbury Ave., Bolingbrook, Betty Rigsby 1962 Hitchcock Ave., Sally Lutescu, 1560 Snowberry Ct., Manuel J. Alves, 1511 Coral Berry, K. Evans, 2640 Buckthorn Dr., Ed Briscoe, 3949 Buckthorn Dr., Graham & Robert Merkin, 635 Ogden Ave., James Crince, 620 Dawn Pl., Greg Nesypor, 639 Ogden, Patti Parrillo, 3737 Downers Dr., Helene Hosking, 1460 Golden Bell, Ben Regimand, 1521 Coral Berry, Dan Gilbert, 3549 Saratoga Ave., James & Effie Kyroudis, 4740 Belmont Rd., Pat Szot, 4311 Stanley Ave., David Schmidt, Architect, 4906 Main St., Lisle, IL., Tim Eubeler, 3702 Venard Rd., Mark Khankan, 1313 Ogden Ave., Don Kuster, 1501 Coral Berry Lane., Mr. Jerry Knoebaugh, 4733 Belmont Road.

The Plan Commission recited the Pledge of Allegiance.

Chairman Jirik reviewed the protocol for the meeting.

FILE NO. PC-31-06; A petition seeking a right-of-way vacation for the dedicated but unbuilt Prairie Avenue right-of-way West of Belmont Road to the East line of Puffer Road; James Kyroudis & Jay Dockendorff, Petitioners; Village of Downers Grove, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-31-06.

Mr. Jeff O'Brien, Senior Planner, presented the staff report. He explained the request was for the vacation of the 66-foot Prairie Avenue right-of-way between Belmont and Puffer. He stated the right-of-way was currently unimproved, and there were trees and a fence blocking access to the area. Mr. O'Brien stated the petitioners had been pursuing the vacation for several years in order to enhance the privacy and safety of their properties. He indicated there had been a history of vandalism in the right-of-way including a fire on the 4740 Belmont Avenue property.

Mr. O'Brien noted the petitioner originally met with management, public works and planning staff and was provided direction to address the issues. After the petitioner submitted his petition, staff

routed the request to the various utility companies, governmental entities and Village departments. Staff received several objections to the vacation from the Sanitary District, the Park District and the Village's public safety officials. Mr. O'Brien indicated the Sanitary District had changed its position and was now only asking that a 20-foot easement be reserved along the southern edge of the right-of-way. Mr. O'Brien stated the area was being reserved for a future trunk sewer line.

Mr. O'Brien indicated the Park District was opposing the vacation because of its proximity to the Downers Grove Golf Course. He stated the Park District indicated in their letter attached to the staff report that there may be some future need for an additional access point to the golf course. He stated he confirmed this position with the Director of Parks last week.

Finally, Mr. O'Brien stated there had been some history with emergency vehicles having problems accessing the homes on Puffer Road. He stated Puffer Road is a 15-foot wide road that can only be accessed from Chicago Avenue. Mr. O'Brien stated several emergencies have taken place at the southern end of Puffer Road, and the Fire Department used the right-of-way to service this area in the past.

Mr. O'Brien stated staff was recommending the right-of-way be reserved for future access and need. He noted staff did not think a full road would ever be constructed in the right-of-way, but some emergency access path might be constructed. He stated staff believes there are alternatives to vacation to address the petitioners' concerns. Mr. O'Brien reminded the Plan Commission that its job is to provide a recommendation as to the future need for the Village to maintain ownership of the right-of-way. He stated staff is recommending denial of the petition but has provided conditions for approval if the Plan Commission recommends approval.

The Plan Commission asked Mr. O'Brien to discuss the Village's maintenance actions in the right-of-way. Mr. O'Brien provided a description of the Village's activities with regard to installing a fence and brush removal. He also provided additional details about the safety and access concerns in the area.

Mr. James Kyroudis, a petitioner, summarized his petition. He stated this process started four years ago at a meeting with Village staff where they noted this would not be much of an issue to vacate this right-of-way. After this initial meeting, the Planning Director left, and his case was assigned to a Village Planner. Subsequent time passed, and the Village had an alley vacation policy that would need to be followed, but he stated he was fine with that. The Village Planner left, and he was again transferred, this time to Mr. O'Brien. Mr. Kyroudis stated Mr. O'Brien has been very helpful throughout this whole process.

Mr. Kyroudis stated his family moved from Chicago to Downers Grove to get away from the problems and issues one might see in Chicago. Upon moving to his current house, his family found he had to deal with the problems they tried to move away from on a daily basis because of his location next to right-of-way in question. He stated his family did not open their blinds or use their yard because of people or cars wandering throughout the right-of-way. In the past, he has seen teenagers parking, drug deals, illegal dumping and other inappropriate actions. He once had a semi-truck drive back into the area and dump mulched Christmas trees. He had to call the Village to have them come out and clean it up.

Mr. Kyroudis stated he spoke to his co-petitioner, and they thought of building a fence, but they both decided it would only make the area worse because no one would watch the area. He stated his family has spent a large amount of time and money cleaning up the illegal dumping and trash that accumulates within the right-of-way. He noted once someone set fire to his shed. He filed a police report, but no one was ever caught.

Mr. Kyroudis noted the Village has installed a fence at the east end of the right-of-way which has kept out vehicular traffic, but people still wander through the area, and he sometimes has to kick people out of his back yard.

Mr. Kyroudis noted the Village would not be able to access Puffer Road through the right-of-way in its current state due to 30-40 year old trees near the West side of the right-of-way. These trees would have to be removed in order for any motor vehicle to get to Puffer Road.

Mr. Kyroudis offered that Fire Vehicles could access the South side of Puffer Road from the schoolyard to the South. Mr. O'Brien stated this would not be possible because the Village does not have an easement on the School District property.

Mrs. Effie Kyroudis read a letter from the co-petitioner, Mr. Dockendorff, who was unable to attend the meeting. The letter expressed the Dockendorffs' concerns regarding the Village ownership of the right-of-way. The Dockendorffs asked the Plan Commission to support the petition.

The Plan Commission asked Mr. Kyroudis about the current use and status in the right-of-way. Mr. Kyroudis indicated the problems have not been present in the past 6-12 months. He indicated the Village had removed some trees and underbrush and had installed a fence at the entrance to Belmont Road. Mr. Kyroudis indicated the largest problem at this time was foot traffic.

Mr. Waechtler asked about the debris that was currently in the right-of-way. Mr. Kyroudis indicated the Dockendorffs' tenant at 4741 Puffer Road owned a landscaping business and was storing wood chips and equipment on the property. He noted the area has some extra debris on it because the tenant is being evicted from the home.

Chairman Jirik opened the matter to public comment.

Ms. Betty Rigsby, 1962 Hitchcock Avenue, noted she preferred the right-of-way be vacated to the school. She stated that a 60-foot wide piece of land is a buildable lot width in the Village, and the Village should not give that land away. She was against the petition.

Mr. Jerry Knobaugh, 4733 Belmont Road, felt the building at 4711 Puffer Road is in poor condition, and the tenants in that building may be causing some of the problems within the right-of-way. He objected to the price the Village was going to ask for from the petitioners and felt the right-of-way would be better vacated to the School District.

Mr. Phillip Barr, 4605 Puffer Road, stated he was not against Mr. Kyroudis but felt that Mr. Dockendorff is a developer who does not maintain his property at 4741 Puffer Road. He stated there are currently eight abandoned cars on Mr. Dockendorff's property with three of them being located within the right-of-way. Mr. Barr noted he is against the vacation, and if the Village were to vacate the right-of-way, it should go to the school.

Chairman Jirik asked for additional comments. There were none, and the Chairman closed the public comment portion of the meeting.

Mr. Kryoudis stated he did not want to be lumped into the same category as Mr. Dockendorff. He stated he did not know if Mr. Dockendorff was a developer or not, he just knows him as a neighbor. Mr. Kryoudis said he was not a developer and did not want to build on the property. He stated the vacation would benefit the Village because there would no longer be a need for the Village to maintain the property. Mr. Kryoudis re-iterated he does not want to develop the property; he merely wants to protect his property.

Mr. Waechtler asked staff what had been done in the area to improve it. Mr. O'Brien noted the Village has put up a split rail fence at the East end of the right-of-way and cleared the underbrush.

Mr. Waechtler inquired to staff whether the school district had expressed interest in the right-of-way. Mr. O'Brien stated the school district had not expressed interest at this time.

Mr. Matejczyk noted this was tough to pass because the Village could be very different in the future, and he wanted to make sure when granting vacations that the right-of-ways would not be needed. He felt if there were other avenues for the petitioner to take care of the problems, then those should be exhausted.

Mr. Waechtler agreed, stating alley vacations are much different from street rights-of-way. The Village has a responsibility to not give up important parcels. He asked if the Village could install additional fencing or post the property to restrict pedestrian traffic to address the petitioners' concerns.

Mr. Cozzo agreed and noted the Village should work with the petitioner to explore the possibility of installing a fence. Additionally, the Village should do more to deter pedestrian and vehicular traffic through the right-of-way through the posting of no trespassing signs. A discussion occurred wondering if the Village would be able to restrict traffic on a public right-of-way.

Chairman Jirik noted the Commission needed to assess the current situation and determine a justification for its recommendation. He noted the response needed to be proportionate to the needs of the petitioner and the Village. Chairman Jirik noted the Village should maintain the right-of-way on a set schedule and ensure that the East side of the right-of-way is blocked while the West side provides adequate turn around and life safety protection. He also stated there might be some need to install a fence along the southern edge of the right-of-way.

Mrs. Rabatah stated the Village would do well by completing a study of the right-of-way and work with the neighbors to complete such a study.

Mr. Beggs felt there were several troubling items with regard to this petition. He believes the petition was brought before the Commission prior to the Village hearing a response from several entities on whether they would want to receive the vacated right-of-way. He noted some entities sent a letter to the Village but were not represented at the meeting tonight. Mr. Beggs stated he is inclined to rehear the petition in 120 days so that staff has an opportunity to receive responses from the various entities who did not respond.

Mr. Waechtler stated the Village does not know the future of this right-of-way and should maintain its ownership.

WITH RESPECT TO FILE NO. PC 31-06, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A RECOMMENDATION OF DENIAL TO THE VILLAGE COUNCIL FOR THE PROPOSED RIGHT-OF-WAY VACATION FOR THE DEDICATED BUT UNBUILT PRAIRIE AVENUE RIGHT-OF-WAY WEST OF BELMONT ROAD TO THE EAST LINE OF PUFFER ROAD.

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0

FILE NO. PC-16-07; A petition seeking 1) Rezoning of the South ten feet of the alley located South of Ogden Avenue and East of Stanley Avenue from R-4, Single Family Residential to B-3, General Services & Highway Business; 2) Vacation of the 20 foot alley right-of-way located South of Ogden Avenue and East of Stanley Avenue, commonly known as 621, 631-35 and 639 Ogden Avenue, Downers Grove, IL (PIN Nos. 09-05-402-004,-003,-002,-001); Edward P. Sherman, Petitioner; Robert Merkin, Greg Nesypor, William Warman, Gail Reingold, Owners

Chairman Jirik swore in those individuals who would be speaking on File No. PC 16-07.

Mr. O'Brien presented the staff report. He stated the petitioner is requesting a vacation of the 20-foot alley immediately south of 621-639 Ogden Avenue. He stated the alley is currently unimproved and is used as yard space. Mr. O'Brien indicated there were overhead utility lines running through the alley. He noted the alley did not go through to Sterling Road. He stated staff was requesting an easement be maintained over the entire alley after receiving input from the utility providers.

Mr. O'Brien stated the unique portion of this case was the requested map amendment. He noted because the alley is a boundary of the zoning district, half of the alley was zoned B-3 and the other half was zoned R-4. He stated staff was recommending the alley be rezoned to B-3 to be consistent with the zoning of the properties on Ogden Avenue. He noted all of the proper buffers and setbacks would be maintained, and the only structures that could be built would be a fence and a parking lot.

Mr. O'Brien stated the proposal was consistent with the vacation policy and the Ogden Avenue Master Plan because it added depth to the properties fronting Ogden. He stated staff was recommending approval of the vacation and rezoning. He noted staff was recommending an appraisal be completed to determine the price of the alley.

Mr. Ed Sherman, 490 N. Ashbury Ave., Bolingbrook stated he is representing two of the petitioners, Dr. Merkin and Mr. Neyspor. He noted counsel for the other applicants was unable to attend tonight’s meeting but felt Mr. Sherman could adequately answer all questions pertaining to this project. Mr. Sherman introduced the petitioners in the audience.

Mr. Sherman stated the case as presented by staff was accurate. He noted the proposed project would assist the Village in meeting their development goals along Ogden Avenue. Mr. Sherman stated with the addition of the alley space, his petitioners were looking to add parking. The alley would also assist in creating easier access to those new parking spaces. The vacation would allow his petitioners to move their parking around and create a nicer looking Ogden Avenue.

Mr. Sherman reviewed the Village’s standards for an alley vacation and rezoning. He stated his belief that this project did in fact meet all the Village’s standards.

Mr. Cozzo asked the petitioner what type of screening would be installed along the South alley line adjacent to the residential buildings. Mr. Sherman noted that they were prepared to install a six-foot privacy fence. Mr. O’Brien clarified that minimally a six-foot tall privacy fence is required. The structural fence supports would be required to face the business properties, while the finished side would face the residential area.

Chairman Jirik opened the case for public comment. There was none, and the Chairman closed the public comment portion of the meeting.

Mr. Matejczyk stated his support for the project.

Mr. Waechtler asked staff if the fence were included within this project. Mr. O’Brien answered the fence was not included but would have to be included during the permit review phase of any development on these sites.

Chairman Jirik reminded the Commission there are two distinct motions needed in this case; one for the alley vacation and another for the rezoning.

Mr. Waechtler inquired about the vacant piece of property within the project area. Staff noted that any development proposed for this site would have to meet Village codes and ordinances.

WITH RESPECT TO FILE NO. PC-16-07, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND APPROVAL OF THE VACATION OF THE 20-FOOT ALLEY RIGHT-OF-WAY LOCATED SOUTH OF OGDEN AVENUE AND EAST OF STANLEY AVENUE AND REZONE THE SOUTH TEN FEET OF THE ALLEY LOCATED SOUTH OF OGDEN AVENUE AND EAST OF STANLEY AVENUE FROM R-4, SINGLE FAMILY RESIDENTIAL TO B-3 GENERAL SERVICES & HIGHWAY BUSINESS, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED MAY 7, 2007 EXCEPT AS PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES AND THE FOLLOWING CONDITIONS:**
 - A. A UTILITY AND DRAINAGE EASEMENT SHALL BE RETAINED OVER**

THE ENTIRE WIDTH AND LENGTH OF THE SUBJECT ALLEY BY THE VILLAGE OF DOWNERS GROVE AND OTHER APPLICABLE UTILITY COMPANIES FOR THE MAINTENANCE OF THE EXISTING UTILITY FACILITIES AND FUTURE UTILITY NEEDS.

B. SUCH EASEMENT LANGUAGE SHALL BE PROVIDED ON THE PLAT OF VACATION.

C. THE CONSTRUCTION OF FUTURE STRUCTURES ON THE ALLEY PROPOSED TO BE VACATED SHALL BE LIMITED TO FENCES AND SURFACE PARKING LOTS. CONSTRUCTION OF ANY NEW BUILDINGS ON THE ALLEY SHALL NOT BE PERMITTED.

- 2. PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONERS SHALL, AT THEIR SOLE EXPENSE, HAVE A CERTIFIED APPRAISAL SUBMITTED TO THE VILLAGE FOR REVIEW. THE APPRAISAL SHALL PROVIDE A FAIR MARKET VALUATION FOR THE ALLEY**
- 3. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, EACH PETITIONER SHALL PROVIDE THE VILLAGE WITH COMPENSATION FOR THE ALLEY AS DETERMINED BY THE VILLAGE COUNCIL.**
- 4. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, THE PETITIONERS SHALL HAVE A PLAT OF VACATION PREPARED BY A LICENSED SURVEYOR.**

SECONDED BY MRS. RABATAH.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0

FILE NO. PC-17-07 A petition seeking a Special Use for an automobile dealership for property located on the Southeast corner of Ogden and Middaugh Avenues, Downers Grove, IL, commonly known as 1245-49 Ogden Avenue Downers Grove, IL (PIN Nos. 09-06-407-001,-002); Mark Khankan, World Class Motorcars, Petitioner; World Class Motorcars, Mark Khankan & Louie Kanjo, Owners

Mr. Stan Popovich, Village Planner, stated this project was for a Special Use and Plat of Consolidation for an automobile dealership at 1245-1249 Ogden Avenue. He noted in May 2006 a similar petition was before the Plan Commission. In that petition, the petitioner proposed to demolish the building at 1249 Ogden Avenue and utilize the existing building at 1245 Ogden Avenue for the automobile dealership. Site improvements included the removal of two curb cuts onto Ogden Avenue. Since that time, the 1249 Ogden building has been demolished but no other work has been completed on site. Additionally, the owner has determined that the existing building at 1245 Ogden Avenue does not satisfy his building needs, and he wants to construct a new building. Mr. Popovich explained the new building is a significant change to the previous approval and as such requires Plan Commission review.

Mr. Popovich noted the petitioner is proposing a two-story pre-cast concrete panel and glass building. Totaling 6,300 square feet, the interior will include offices, a showroom, and detail and service bays according to Mr. Popovich.

Mr. Popovich summarized the site plan and noted the proposed building is in generally the same location as the existing building. As such, Mr. Popovich noted Village staff did not require new engineering plans to be submitted at this time, however, revised engineering plans will be required as part of the permit review. Mr. Popovich noted the engineering plans would have to substantially conform to previously submitted plans and include the removal of two Ogden Avenue curb cuts and the improvement of the property along Middaugh Avenue to include a defined curb cut and sidewalk. Mr. Popovich noted the petition meets open space and parking requirements.

Staff is requiring a curb along the length of the alley where garage bays are not located. Additionally, staff will require a plan that shows all loading and unloading of sale vehicles taking place entirely on site. Furthermore, Mr. Popovich noted that parking or queuing of cars within the alley would be prohibited.

A Plat of Consolidation is required to consolidate six separate parcels into a single parcel. Mr. Popovich explained this was submitted last year, but never recorded; therefore, staff is requiring it be completed at this time.

Mr. Popovich reviewed conversations staff had with two concerned citizens and went over how those concerns would be addressed. Mr. Popovich noted the project complies with the Future Land Use Map, Zoning Ordinance, Subdivision Ordinance, Public Safety Requirements, and the Ogden Avenue Master Plan. Staff recommended approval of this petition subject to the conditions listed in its staff report.

Mr. Waechtler inquired about the Plat of Subdivision that was provided to the Plan Commission. He noted that Middaugh Avenue was labeled twice. Mr. Popovich clarified that the road shown on the East side of the plat should have in fact been labeled as Linscott Avenue and will be corrected prior to Village Council consideration.

Mr. David Schmidt, 4906 Main St., Lisle, Illinois represented the owner of the property, Mr. Mark Khankan, who he introduced in the audience. Mr. Schmidt noted staff's presentation was in-line with what the petitioner was proposing. He stated World Class Motorcars has an image with the cars they sell, and the existing building would not meet that image; therefore, a new building is necessary. He noted there are numerous car dealerships on Ogden Avenue, but that World Class serves a different and unique clientele that is not represented on Ogden Avenue.

Mr. Matejczyk stated he liked the building's design and style.

Mr. Waechtler inquired about the size of the building. Mr. Popovich noted it was 6,300 square feet, and Mr. Schmidt stated it was approximately 60 feet by 110 feet.

Chairman Jirik opened the petition for public comment. There was none, and the Chairman closed the public comment portion of the meeting.

Mr. Matejczyk noted the petition had already been through the Plan Commission once and was approved. He was delighted staff had included conditions to prohibit parking and queuing in the alley and stated the Village needs to ensure policing of that condition.

Mr. Quirk inquired about condition number one in the staff report regarding doors swinging out into the alley. Mr. Popovich stated that no doors, stoops or patios are allowed to encroach into the public right-of-way; as such, the building will have to move one to two feet north to accommodate the door swings. Mr. Popovich did not believe this would be a significant change as there is adequate room north of the building.

WITH RESPECT TO FILE NO. PC-17-07, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND APPROVAL OF THE SPECIAL USE TO CONSTRUCT AN AUTOMOBILE DEALERSHIP AT 1245-1249 OGDEN AVENUE AND THE PLAT OF CONSOLIDATION TO CONSOLIDATE SIX SEPARATE PARCELS INTO A SINGLE PARCEL, SUBJECT TO THE CONDITIONS LISTED BELOW:

- 1. THE BUILDING SHALL BE DESIGNED SO THAT THE PEDESTRIAN DOORS ON THE SOUTH FAÇADE SWING OUT BUT DO NOT ENCROACH INTO THE PUBLIC ALLEY. ADDITIONALLY, NO STOOPS, STEPS, CORNICES, OR BOLLARDS SHALL ENCROACH INTO THE PUBLIC ALLEY.**
- 2. REVISED ENGINEERING PLANS SHALL BE SUBMITTED TO THE VILLAGE FOR REVIEW DURING THE PERMIT REVIEW PROCESS. THE REVISED PLANS SHALL SUBSTANTIALLY COMPLY WITH THE ENGINEERING PLANS DATED MARCH 17, 2006 AND SUBMITTED AS PART OF THE PREVIOUS SPECIAL USE PETITION THAT WAS AUTHORIZED IN ORDINANCE #4789. THE ENGINEERING PLANS SHALL INCLUDE:**
 - A. GEOMETRY PLAN**
 - B. REMOVAL PLAN**
 - C. UTILITY\GRADING\SEDIMENT AND EROSION CONTROL PLAN**
 - D. LANDSCAPE PLAN**
 - E. PHOTOMETRIC PLAN**
 - F. DETAILS**
- 3. A PLAT OF CONSOLIDATION SHALL BE PREPARED TO CONSOLIDATE THE SIX SEPARATE LOTS.**
 - A. THE PLAT SHALL HAVE THE REQUIRED CERTIFICATIONS NOTED.**
 - B. THE PLAT TITLE SHALL INCLUDE “FINAL PLAT OF CONSOLIDATION.”**
 - C. THE PLAT SHALL BE PREPARED AND SUBMITTED TO THE VILLAGE PRIOR TO THE CONSIDERATION OF THE SPECIAL USE BY THE VILLAGE COUNCIL.**
 - D. THE PLAT OF CONSOLIDATION SHALL BE RECORDED WITH THE DUPAGE COUNTY RECORDER PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS, INCLUDING BUT NOT LIMITED TO CONSTRUCTION, DEMOLITION, OR SITE DEVELOPMENT PERMIT.**
- 4. NO OUTDOOR SPEAKER SYSTEM SHALL BE ALLOWED ON THE SITE.**
- 5. A SIDEWALK SHALL BE PROVIDED ALONG MIDDAUGH AVENUE IN A MANNER ACCEPTABLE TO THE VILLAGE ENGINEER PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT.**

- 6. **THE DUMPSTER SHALL BE RELOCATED OUTSIDE OF THE REQUIRED MIDDAGH AVENUE FRONT YARD. THE DUMPSTER SHALL BE RELOCATED A MINIMUM OF 25 FEET FROM THE WEST PROPERTY LINE.**
- 7. **A CURB SHALL BE PROVIDED ALONG THE ENTIRE LENGTH OF THE ALLEY EXCEPT FOR THOSE AREAS WHERE A DUMPSTER OR OVERHEAD DOOR ACCESS IS PROVIDED.**
- 8. **NO PARKING OR QUEUING OF VEHICLES SHALL BE ALLOWED IN THE ALLEY.**
- 9. **ALL VEHICLE LOADING AND UNLOADING SHALL OCCUR ON SITE. A LOADING AND UNLOADING PLAN THAT DEMONSTRATES COMPLIANCE SHALL BE PROVIDED TO THE VILLAGE.**
- 10. **ALL PROPOSED SIGNS SHALL COMPLY WITH THE SIGN ORDINANCE.**
- 11. **ALL CONSTRUCTION WITHIN THE OGDEN AVENUE RIGHT-OF-WAY WILL REQUIRE APPROVAL AND PERMITS FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT). PROVIDE THE VILLAGE WITH COPIES OF ALL IDOT CORRESPONDENCE.**
- 12. **THE NEW BUILDING SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF THE NEW BUILDING SHALL BE PROTECTED. PROVIDE WORKING DRAWINGS AND CUT SHEETS DURING PERMIT REVIEW.**
- 13. **THE NEW BUILDING SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF THE NEW BUILDING SHALL BE PROTECTED. PROVIDE WORKING DRAWINGS AND CUT SHEETS DURING PERMIT REVIEW.**

SECONDED BY MR. WAECHTLER

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0

Chairman Jirik asked the remaining audience how many were present to hear petition PC-18-07 versus PC-19-07. Except for one individual, the audience was present to discuss petition PC-19-07. Chairman Jirik asked the Commission if they would object to changing the order of the last two petitions. Without any objections, Chairman Jirik opened petition PC-19-07 for public hearing.

FILE NO. PC-19-07; A petition seeking a Special Use for Extended Family Accessory Housing for property located on the West side of Venard Road, approximately 60 feet North of Brookside Lane, Downers Grove, IL., commonly known as 3702 Venard Road, Downers Grove, IL (PIN No. 06-31-413-007); Tim & Maureen Eubeler, Petitioners/Owners

Mr. Popovich explained the Special Use petition was for an Extended Family Accessory Housing unit, better known as a mother-in-law suite, at 3702 Venard Road. Mr. Popovich informed the

zoning of the parcel in question is R-2 with Extended Family Accessory Housing being an allowable Special Use within the district.

Mr. Popovich explained the petitioner is constructing an addition to their property, and the addition as designed meets all bulk zoning requirements. Mr. Popovich noted the accessory housing unit will be located in the basement and includes a living area, kitchen, bathroom, bedroom and laundry facility. The unit would be accessible from the outside and not require the resident to enter the unit through the primary residence entrance.

Mr. Popovich stated the proposal meets the requirements of Section 28.1015 of the Zoning Ordinance that sets standards for Extended Family Accessory Housing. Mr. Popovich informed the Commission that these requirements and an explanation of how they are met were shown on pages two and three of the staff report.

Mr. Popovich stated staff has spoken to numerous neighbors, including the homeowners' association president who spoke directly with Mr. O'Brien. The Special Use was explained to each of the neighbors and once it was noted as a mother-in-law suite, the neighbors expressed no other concern.

Mr. Popovich noted staff believes that the Extended Family Accessory Housing and Special Use standards have been met and recommends approval per the conditions noted in the staff report.

Mr. Waechtler inquired to the number of these units located in the Village and how long this use has been in the Zoning Ordinance. Mr. Popovich stated staff was aware of four throughout the Village, with this petition being the fifth. Mr. O'Brien stated this Special Use has been in the ordinance since the 1965. Mr. Waechtler questioned when the last one was granted since he has been on the Plan Commission for some time, but this is the first time he had reviewed one. Mr. O'Brien noted the Zoning Board of Appeals previously approved Conditional and Special Uses until 2003 when that responsibility was given to the Plan Commission. The Special Use has always been in the Zoning Ordinance; the Village changed the responsible board.

Mr. Tim Eubeler, 3702 Venard Road, is the petitioner and presented his case. He noted the unit is intended for his mother-in-law. He stated his family has been going through quite an ordeal to obtain approval for what in his opinion is a good thing to allow his mother-in-law to live with his family.

Chairman Jirik opened the meeting to public comment.

Mr. Manuel J. Alves, 1511 Coral Berry, stated he was previously on the Board of Directors and the Architectural Review Committee in the Orchard Brook subdivision. He was concerned that the Village is allowing this use in a purely single-family neighborhood. The covenants of the homeowners association clearly state the area is to be only single family residential. Mr. Alves stated he is concerned about protecting Orchard Brook from non-compliant uses.

Chairman Jirik interjected if Mr. Alves is concerned about non-compliant issues, Mr. Alves should contact the Village Code Enforcement Officers. Chairman Jirik also noted the Village can only enforce its own ordinances and codes and has no jurisdiction over homeowner association by-laws.

Mr. Alves stated he has dealt with many people who move into the neighborhood and are surprised what they can and cannot do with their properties. Mr. Alves stated he is worried this is another step in the direction of letting people do whatever they want without proper restrictions or oversight.

Mr. Beggs stated there is an enforcement provision in the ordinance including normal inspections and signed affidavits stating the owner is in compliance. Mr. Beggs noted if the affidavit was filed falsely, there are monetary and injunction provisions. He stated enforcement is not guaranteed, but if there is a violation, enforcement will take place.

Mr. Les Hunzinger, 3704 Venard Rd. stated he is the petitioner's neighbor and harbors no ill will towards his neighbor. He is impressed that his neighbor will allow his mother-in-law to move into his house. Mr. Hunzinger was concerned about the proposed addition since he could not do an addition because his property is in the floodplain. He also inquired how the mother-in-law would access the site, to which Mr. Eubeler replied access would be gained along the north side of the property through an existing walk.

Mr. Popovich noted the petitioner has a current building permit application on file with the Village, and the Village is reviewing the project. The Village will ensure the construction takes place with full compliance of all codes, including ensuring the development is outside of the floodway.

Mr. Don Kuster, 1501 Coral Berry Lane, serves on the Orchard Brook board and has a deep interest in the community. He is concerned with the future of the area and what enforcement processes are in place. He questioned whether the Village would be able to enforce this and who verifies the use.

Mr. Popovich explained the Future Land Use Map shows the area as single family residential and an extended family accessory housing unit is an allowable Special Use in the residential zoning district. He stated the Village would enforce the Special Use through affidavits and site visits.

Mr. Beggs commented the neighbors ultimately do the enforcing. When neighbors call the Village, the Village will come out to enforce the ordinance if something is wrong.

Mr. Dan Gilbert, 3549 Saratoga Ave., stated he is the current president of the Orchard Brook Homeowners Association. He stated in the past the group had a group of cargo pilots using a house in the area instead of a hotel, and Code Enforcement came out and ended that practice. He stated Mr. and Mrs. Eubeler are good people.

Chairman Jirik asked for additional comments. There were none and the Chairman closed the public comment portion of the meeting.

Mr. Eubeler stated he understood the concerns of the Orchard Brook neighborhood but wished these concerns had been addressed to him prior to the meeting tonight. He stated his family wants to follow the rules and raise their children in this nice neighborhood. He was not trying to change anything about Orchard Brook, just make a spot for his mother-in-law. He suggested the public hearing notice sign contain more specific information rather than just Special Use, so more people can understand what is going on.

Mr. Waechtler asked staff the effective date of this section of the ordinance. Staff stated this section was in the original 1965 Zoning Ordinance.

Mrs. Rabatah asked to what use would the unit be converted. She was concerned about points I and K in Section 28.1015.

Mr. Popovich explained the use had to be converted to a single-family residence once the owner or accessory unit occupant no longer lived in the unit. He explained the use was only applicable to this particular family member.

Mr. Beggs expressed concern over Code Enforcement responsibilities. Staff noted Section K allows a physical inspection, although in the past, staff has chosen to undertake only written affidavits to confirm continuing compliance.

Mr. Waechtler offered some suggestions to the ordinance. A discussion ensued in which it was determined the ordinance was working, an affidavit was sufficient according to staff, the Commission should allow staff to enforce the ordinance as they see fit, and the process is a reasonable one.

Mrs. Rabatah noted she felt the Village was proactive in requiring the affidavit and should use their judgment on whether they need to enter the house or not. She commended the petitioner for wanting his mother-in-law to move in with the family.

Mr. Waechtler asked staff if other Villages have this type of Special Use. Mr. O'Brien noted many Villages do not, but civilization has provided living arrangements for older relatives throughout history. He noted the Village was very proactive in putting this into the Zoning Ordinance in 1965.

WITH RESPECT TO FILE NO. PC-19-07, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND APPROVAL OF A SPECIAL USE FOR AN EXTENDED FAMILY ACCESSORY HOUSING UNIT AT 3702 VENARD ROAD, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PROPOSED EXTENDED FAMILY ACCESSORY HOUSING UNIT SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED MAY 7, 2007 AND ARCHITECTURAL PLANS PREPARED BY LASA INCORPORATED, DATED JUNE 30, 2006 AND SIGNED BY ARCHITECT FRANK J. LUCCHESI ON MARCH 19, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE EXTENDED FAMILY ACCESSORY HOUSING UNIT SHALL NOT BE EXPANDED.**
- 3. ANNUALLY, THE PETITIONER SHALL PERMIT THE VILLAGE TO COMPLETE AN INSPECTION OF THE PREMISES TO ASSURE CONTINUING COMPLIANCE WITH SECTION 28.1015, EXTENDED FAMILY ACCESSORY HOUSING, OF THE ZONING ORDINANCE.**
- 4. ANNUALLY, THE PETITIONER SHALL SUBMIT TO THE VILLAGE A SWORN AFFIDAVIT ON A FORM PROVIDED BY THE VILLAGE, WHICH CERTIFIES CONTINUED COMPLIANCE WITH SECTION 28.1015, EXTENDED FAMILY ACCESSORY HOUSING, OF THE ZONING ORDINANCE.**

5. THE ACCESSORY UNIT SHALL BE CONVERTED TO BE A PART OF THE EXISTING SINGLE FAMILY DWELLING UNIT WITHIN 120 DAYS OF THE EXPIRATION OF THE SPECIAL USE.

SECONDED BY MR. MATAJCZYK

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0

(The plan commissioners took a short break at 10:00 p.m. The commissioners reconvened at 10:05 p.m.)

FILE NO. PC-18-07; A petition seeking an Amendment to Chapter 28 Zoning Ordinance, Article VIII, O-R-M District (Office-Research-Manufacturing), Article IX, Manufacturing Districts (M-1 & M-2), Article X, Use Regulations and Article XI, Yards and Open spaces. The purpose of the proposed amendment is to consider modifications to the M-1, M-2 and O-R-M Districts; Village of Downers Grove, Petitioner

Mr. O'Brien presented the staff report. He explained the proposed modifications and went over the changes individually. He specifically noted staff was proposing to modify Section 28.1007 regarding recycling collection facilities. Staff was proposing to insert a separation distance from these uses to residential uses. Mr. O'Brien noted the change was in response to staff's findings during the petition for 5240 Thatcher Road. He stated staff found the State EPA had a separation recommendation of 1,320 feet. In order to make the Village's requirements consistent with the State, staff was proposing to insert a required separation between recycling collection facilities and residences.

Mr. O'Brien stated the proposed modifications mirror the Village's rules for adult entertainment uses. He noted the required separation distance would be 1,000 feet. He explained staff is recommending the smaller distance to account for the size of the Village's industrial areas. He stated, although the distance is smaller than the State's, the intent to maintain some large setback is still achieved. Specifically, he stated by increasing the distance to 1,320 feet, the Ellsworth Industrial Park would be eliminated for consideration of a Special Use for these uses. Mr. O'Brien noted staff was recommending approval of the amendments.

Mr. Beggs asked Mr. O'Brien to explain the basis for the smaller distance. Mr. O'Brien responded the staff looked to mirror the existing separation requirements in the Zoning Ordinance for adult entertainment uses.

Mr. Webster asked where recycling collection facilities could be located. Mr. O'Brien referred to the maps attached to the staff report.

Chairman Jirik asked for public comments.

Mark Thoman, 1109 61st Street, stated he opposed the modifications to 28.1007(f). He noted most Villages fight to keep these types of uses out of their boundaries. He stated the use being discussed was not a recycling collection facility, but a clean construction waste transfer station. Mr. Thoman stated the IEPA recommends a separation distance of 1,320 feet from residential uses for these types of facilities. He noted the reasons for this separation are they attract rodents, create air pollution from the processing of construction materials and trucks, create excess road wear, cause noise pollution, create traffic hazards and degrade surrounding property values.

Mr. Thoman stated the Village needed a comprehensive review of its uses in the M-1, M-2 and ORM zoning districts. He noted it was his opinion that the Village has a residential character with supporting commercial uses. He noted an increased distance would eliminate the possibility of locating these uses in the Ellsworth Industrial Park.

Mr. Thoman stated the modifications being proposed were a result of some people's desire to allow a recycling collection facility to be located within the Village. He stated he would like the distance to be increase to 1,320 feet and to eliminate the exceptions proposed for Section 28.1007(f). Mr. Thoman stated the smaller separation distance seems like an attempt to circumvent the State's regulations by the individual that previously petitioned the Village for a Special Use to locate a recycling collection facility at 5240 Thatcher Road.

Mr. Beggs asked for clarification whether Mr. Thoman did not want recycling collection facilities in the Ellsworth Industrial Park or in the entire Village. Mr. Thoman stated he did not think they were appropriate uses for the entire Village. He stated there seems to be a strong momentum to locate this use in the Village, and he thought there would be more appropriate locations than the Ellsworth Industrial Park if one were to be sited in Downers Grove.

Mr. Beggs asked if the Esplanade development was a more desirable location for these facilities than the industrial park. Mr. Thoman said he thought the Ellsworth Industrial Park was changing into a more mixed-use area. He noted Belmont would become a more commercial corridor in the future, and there would not be as many heavy industrial uses in the area.

Mr. Beggs asked Mr. Thoman for more information on the air pollution concerns. Mr. Thoman stated he did not have any specific information regarding the air pollution. He noted staff might have some more information about the equipment used to control pollution.

Mr. O'Brien explained while no specific information on the pollution was provided for the previous petition for a recycling collection facility, staff required information on the dust control measures. He stated the petitioner had proposed ventilation systems as well as a dust suppression system.

Mr. Waechtler stated he was surprised that Cook County did not allow these facilities. Mr. O'Brien indicated Cook County does allow them as far as he knows. He stated the IEPA requirements have a county population threshold for these types of uses. Based on the 2000 Census, only two counties are eligible for the use – Cook and DuPage. Mr. O'Brien stated both counties have comprehensive zoning ordinances, so they can come up with their own separation requirements.

Mr. Thoman indicated there was also a facility in Will County. He noted the operation was rather large because it is part of a larger landfill development.

Mr. O'Brien re-iterated the Village staff is attempting to modify the Zoning Ordinance requirements to provide for some separation between recycling collection facilities and residential property. He stated as far as he knows there is no momentum to locate a facility in the Village, but it would be difficult to remove the use entirely from the ordinance based on two factors 1) it has been a listed Special Use for 40 years in the manufacturing districts and 2) the use lists for the manufacturing districts permit uses as of right that are arguably more harmful to people. He stated the Village would have to go through a comprehensive analysis of its Future Land Use Plan and zoning ordinance in order to come up with a defensible reason to remove recycling collection facilities entirely.

Mr. O'Brien noted the modifications to the Zoning Ordinance would still require that a Special Use be obtained. He stated the amendments would likely make location of a facility harder because fewer properties would be eligible for the Special Use.

Mr. Quirk asked Mr. Thoman if his main concern was air pollution or separation. Mr. Thoman said it was both because these facilities create pollution and can be a nuisance to surrounding residences.

There was a discussion about increasing the distance between recycling collection facilities and residences. Maps were provided for reference. A discussion about the parcels that would become ineligible for the Special Use if the separation distance was increased took place. The Plan Commission came to a consensus that 1,320 feet should be the required separation.

Mr. Thoman stated the Tollway exception should also be removed.

The Plan Commission discussed the proposed draft language.

Mr. Webster questioned why the Village would want to allow this use if it creates air pollution.

Chairman Jirik stated the use is a nuisance, not a danger. He stated the particulate matter that comes from these facilities is large and does not have deep lung penetration abilities.

WITH RESPECT TO FILE NO. PC-18-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND APPROVAL OF THE TEXT AMENDMENTS TO SECTIONS 28.801, 28.902, 28.906, 28.1007 AND 28.1110 OF THE ZONING ORDINANCE ASSOCIATED WITH PC 18-07 TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING MODIFICATION:

SECTION 28.1007(f) SHALL READ AS FOLLOWS:

“(f) Recycling collection facility shall not be located within 1,320 feet of any property that is zoned for residential purposes pursuant to this Zoning Ordinance, or, for property located beyond the corporate limits of the Village, the zoning ordinance of the governmental entity having jurisdiction. Provided, this separation requirement shall not apply to the following:

(1) Property owned, maintained and used by the Village and used for any water tower and/or fire station.

- (2) Property owned, maintained and used by the Forest Preserve District of DuPage County.**
- (3) Property owned, maintained and used as part of the Morton Arboretum.”**

MR. WAECHTLER SECONDED THE MOTION.

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0

Chairman Jirik asked for any updates from staff. Mr. O'Brien said there was none. Chairman Jirik asked for a motion to adjourn.

MR. WEBSTER MOVED TO ADJOURN THE MEETING. MR. COZZO SECONDED THE MOTION. THE MEETING ADJOURNED AT 10:54 P.M.

Minutes Transcribed by:

Jeff O'Brien, AICP
Senior Planner

and

Stan Popovich, AICP
Planner

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, JUNE 4, 2007, 7:00 P.M.

Chairman Jirik called the June 4, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk,
Mrs. Rabatah, Mr. Webster

ABSENT: Mr. Beggs, Mr. Waechtler

STAFF PRESENT: Jeff O'Brien, Senior Planner, Mr. Damir Latinovic, Village Planner, Mike Millette, Asst. Director of Public Works

VISITORS: Ms. Linda Dorenhauser, 55415 Brookbank; Mr. John Kouchoukas, 6312 N. Glenwood; Mr. Jim Menick with Hart Properties; Mr. Dwight Olson with Versatile Card Technology, 1213 Butterfield Rd., Downers Grove; Mr. Lawrence Filippi, 10S271 Argonne Ridge Road, Hinsdale, Illinois; Ms. Loraine Treznek, 5300 Walnut, Downers Grove; Mr. Mark Levine with Forcade & Associates, 1626 Payne St., Evanston, Illinois

The Plan Commissioners recited the Pledge of Allegiance.

APPROVAL OF MINUTES

The April 23, 2007 minutes were approved on motion by Mr. Matejczyk, seconded by Mr. Cozzo. Motion carried by voice vote of 6-0.

The May 7, 2007 minutes were approved on motion by Mr. Matejczyk, seconded by Mr. Quirk. Motion carried by voice vote of 6-0.

Chairman Jirik reviewed the protocol for the meeting. (Mr. Webster arrives 7:05 p.m.)

FILE NO. PC 20-07; Middaugh Avenue Subdivision (5505 Middaugh Avenue); A petition seeking Final Plat of Subdivision approval for property located at the Southeast corner of Middaugh Avenue & 55th Street, commonly known as 5505 Middaugh Avenue, Downers Grove, IL (PIN 09-18-203-045; John Kuchoukos, Petitioner; Middaugh Development Inc., Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-20-07.

Mr. Latinovic, Village Planner, reported the parcel is approximately 32,000 square feet located at the southeast corner of Middaugh Avenue and 55th Street, in the R-4 zoning district. The petitioner would like to subdivide the parcel into two lots each approximately 75.36 feet wide and 213.5 feet deep. The two proposed lots will meet the Subdivision Ordinance requirements. Single-family residences are proposed for each lot in the future. School and park donations will be required for the two lots. The petitioner has not indicated the number bedrooms for each residence to be developed and, therefore, will be required to pay the maximum amount for a four-bedroom house,

or approximately \$4,736.32. Because an existing single-family residence is on the lot, the petitioner will receive a credit in the amount of \$2,964.72 because the residence will have to be demolished prior to recording of the plat. The total required payment by the petitioner to the Village is \$6,508.72, which will be required to be paid prior to the recording of the plat.

The subdivided lots will meet all utility easement requirements. Staff believes the proposal is compatible with the existing Future Land Use Map classifications and recommends that the Plan Commission make a positive recommendation to the Village Council subject to the conditions in staff's report.

A question was raised about the status of a lot to the east of Parcel A to which Mr. Latinovic confirmed was not part of the proposal. Clarification followed on the relocation of the common property line between Parcel A and Parcel B back in August 2006 in order to create the future two lots on Parcel A, as proposed in this petition.

Petitioner/architect, Mr. John Kouchoukas, 6312 N. Glenwood, Chicago, Illinois, representing Hart Properties, introduced partner Mr. Jim Menick. Mr. Kouchoukas reported this was his third project in the area. He purchased the property about two years ago with the intent to construct homes in the same general area. If approved, he will submit plans for the next two homes in the fall. He is trying to bring quality homes into the area.

Chairman Jirik opened up the meeting to public comment.

Ms. Linda Dorenhauser, 55415 Brookbank, voiced concerns about additional flooding because her property sits low. She pointed out her home on the map.

Mr. Latinovic stated that as part of the standard plan review, the petitioner's plans for new homes will have to meet the requirements of the Stormwater Management Ordinance and Village Storm Water engineers will review the plans, which is standard procedure.

There being no further comments, Chairman Jirik closed the public comments portion of the meeting. No questions followed from the Commissioners. The petitioner had no closing comments.

Mr. Matejczyk asked staff to expand on the stormwater adequacy for the area to ease residents' concerns. Mr. Mike Millette, Assist. Director of Public Works, explained the area did not have adequate storm sewers to handle the current volume of stormwater. However, there were plans to add storm sewer on Brookbank this summer. He offered, if directed, to look at ways to alleviate the low-lying areas since the timing offered an opportunity. Mr. Millette stated the new homes would have a minimal impact on the drainage in the area. He recommended concerned residents contact him directly about their flooding concerns and the planned storm sewer.

WITH RESPECT TO FILE NO. PC 20-07, MRS. HAMERNIK MOVED THAT THE PLAN COMMISSION MAKE A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR APPROVAL OF THE REQUEST SUBJECT TO STAFF'S FOUR CONDITIONS AS OUTLINED IN THE STAFF REPORT:

- 1. THE SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT**

OF SUBDIVISION PREPARED BY C.M. LAVOIE & ASSOCIATES, INC. DATED DECEMBER 08, 2006; LAST REVISED APRIL 25, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES;

- 2. PRIOR TO RECORDING OF THE FINAL PLAT OF MIDDAUGH SUBDIVISION, THE EXISTING HOUSE ON THE PROPERTY SHALL BE DEMOLISHED;**
- 3. PRIOR TO RECORDING OF THE FINAL PLAT OF MIDDAUGH SUBDIVISION, THE PETITIONER SHALL PAY TO THE VILLAGE OF DOWNERS GROVE A TOTAL OF \$6,508.70 AS SCHOOL AND PARK DONATIONS; AND**
- 4. EACH INDIVIDUAL LOT SHALL HAVE ITS OWN SEPARATE WATER SERVICE AND B-BOX.**

SECONDED BY MRS. RABATAH.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

FILE NO. PC 21-07; 5200 & 5220 Thatcher Road Subdivision; A petition seeking Final Plat of Subdivision approval to consolidate two lots into one for property located on the West side of Thatcher Road, approximately 440 feet south of Hitchcock Avenue, commonly known as 5200-5220 Thatcher Road, Downers Grove, IL (PIN 08-11-407-042 & 08-11-407-036); Dwight Olson for Versatile Card Technology, Petitioner; Pethinaidu Veluchamy, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC 21-07.

Mr. Latinovic, Village Planner, reported the property is currently home to Versatile Card Technology and sits east of the Interstate 355 Tollway. The property is zoned M-1 Light Manufacturing District and consists of two parcels. The northern 80,696 square foot lot contains an approximately 44,400 square foot building and on-site parking. The south building is a 39,947 square foot lot and the building is approximately 16,740 square feet. The petitioner is requesting approval of the final plat of subdivision to consolidate the two lots into one lot in order to construct a 9,804 square foot addition between the two existing buildings.

Staff explained after last year's change in the Zoning Ordinance the two lots are now considered separate properties and have to comply with the Zoning Ordinance. Because the original plans submitted for the building permit did not comply with the 10-foot side yard setback, the plans were revised to consolidate the two lots in order to meet the requirements. The new lot will meet or exceed the minimum lot requirements for the M-1 zoning district. The petitioner will be required to modify the new plat of subdivision to reflect the five-foot public utility easement along the north property line of the proposed lot.

The property is adequately serviced by storm and sanitary sewer lines. The petitioner is not required to provide a stormwater detention facility on site; however, the development will have to meet all provisions of the Stormwater Management Ordinance.

The petitioner has not requested any exceptions from the Subdivision Ordinance. The proposed use is also consistent with the Future Land Use Map. The plans reflect that the property will have approximately 18,276 (15.14 percent) square feet of open space where 18,096 square feet, or 15% is required. The plans also indicate 90 off-street parking spaces will be provided on the site, whereas 83 are required. The proposed lot coverage, including the 9,804 square foot addition, would be 58.9 percent, meeting the maximum allowed 60 percent. Staff recommended approval of the request.

Mr. Dwight Olson, Petitioner, 803 Taylor Ridge, Belvedere, Illinois, stated he is seeking a plat of subdivision in order to construct an addition to connect two of his buildings. His company is one of the largest credit card makers in America. The addition will allow them to add additional equipment.

Mr. Lawrence Filippi, 10S271 Argonne Ridge Road, Hinsdale, Illinois, architect for the project, provided brief details of the addition to be constructed, noting it will comply with the Village’s zoning, landscaping, parking and other requirements. All required parking for the two buildings and the new addition will be provided on the site.

Chairman Jirik opened up the meeting to public participation.

Ms. Loraine Treznek, 5300 Walnut, Downers Grove, who resides in the Cameo Apartments, stated as long as the petitioner provided enough parking, she and her neighbors had no opposition to the project.

Chairman Jirik closed public participation. The petitioner had no further closing comments.

With regard to the far south driveway, Mr. Webster inquired whether it was being widened, wherein the petitioner confirmed it was not being altered. Mr. Latinovic confirmed the off-street parking would meet the Village’s standards, and the current drive aisles and parking spaces meet the minimum dimension requirements.

WITH RESPECT TO FILE NO. PC-21-07, MRS. RABATAH MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE FINAL PLAT OF SUBDIVISION SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT:

- 1. THE SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION PREPARED BY INTECH CONSULTANTS, INC. DATED MAY 25, 2005; ARCHITECTURAL AND ENGINEERING PLANS PREPARED BY LAWRENCE P. FILIPPI & ASSOCIATES, INC. DATED MAY 5, 2006, LAST REVISED JANUARY 8, 2007; AND STRUCTURAL PLANS PREPARED BY SHEFFEE LULKIN & ASSOCIATES, INC. DATED OCTOBER 4, 2006, LAST REVISED JANUARY 8, 2007 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**

- 2. **A FIVE-FOOT PUBLIC UTILITY EASEMENT SHALL BE PROVIDED AND INDICATED ALONG THE NORTH PROPERTY LINE.**

- 3. **PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL SUBMIT A MYLAR COPY OF THE PLAT OF SUBDIVISION FOR SIGNATURE. PRIOR TO THE ISSUANCE OF CONSTRUCTION PERMITS, THE PETITIONER SHALL RECORD THE SIGNED PLAT AND RETURN THREE (3) RECORDED COPIES TO THE COMMUNITY DEVELOPMENT DEPARTMENT.**

- 4. **ALL NECESSARY CONSTRUCTION PERMITS SHALL BE OBTAINED BY THE PETITIONER PRIOR TO ANY SITE DEVELOPMENT ACTIVITIES.**

SECONDED BY MRS. HAMERNIK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

Chairman Jirik swore in those individuals who would be speaking on File No. PC 22-07.

FILE NO. PC 22-07; Master Sign Plan Amendment – PD #31 Esplanade; A petition seeking 1) an Amendment to Planned Development #31-Esplanade for a master signage plan; and 2) a variation from Chapter 28, Zoning Ordinance, Article XV, Signs for property located on the West side of Finley Road, approximately 550 feet South of Woodcreek Drive, commonly known as 3500 Lacey Road, Downers Grove, IL (PIN 06-31-300-007); Forcade Associates, Petitioner; Hamilton Partners, Inc., Owner

Mr. Latinovic, Village Planner, explained the 19-acre site is located on the west side of the I-355 Tollway right-of-way and is surrounded by vacant land on the west and south sides. The existing building is home to the Sara Lee headquarters. The existing 13-story building is zoned Office Research and Manufacturing and sits 500 feet from the Lacey Road right-of-way. The petitioner is seeking an amendment to Planned Development #31 – Esplanade to adopt a master sign plan to address wall signage for the larger buildings throughout the development and to install a 765 square foot Sara Lee wall sign on the east side of the building. Because the proposed wall sign is larger than permitted, the petitioner is requesting a sign variance from the Zoning Ordinance.

Per Article XV Signs of the Zoning Ordinance, buildings setback greater than three hundred feet from the roadway are allowed a total allowable sign surface area of two square feet per one linear foot of tenant frontage per tenant not to exceed a maximum 300 square feet of total sign surface area. Additionally, buildings four or more stories in height are allowed one wall sign per side, not to exceed three sides and such signs shall not exceed 100 square feet per sign. Such wall signs do not

count toward maximum allowable sign surface area. There is one existing monument sign on the site.

The petitioner is proposing a 765 square foot wall sign with 66-inch letters to target the traffic on the I-88 and I-355 Tollways to improve presence of the company. The proposed sign is larger (by 166%) than the Village's requirements and the petitioner is proposing an amendment to the Planned Development - Esplanade - to adopt a master sign plan for the entire development. The master sign plan would include the following addition to Planned Development 31 – Esplanade:

All high-rise buildings 90 feet or taller shall comply with the following:

1. No more than one sign is allowed on any side of a building.
2. Signs may not be roof mounted.
3. No projecting signs positioned perpendicular to any face of a high-rise building are allowed.
4. High-rise buildings rising 90 feet to 149 feet above grade have a maximum square foot area of two x building wall width at mounted sign height.
5. High-rise buildings rising 150 feet to 199 feet above grade have a maximum square foot area of three x building wall width at mounted sign height.
6. High-rise buildings rising 200 feet to 299 feet above grade have a maximum square foot area of four x building wall width at mounted sign height.

Details followed on what signage would be allowed for the site and what the petitioner was proposing in his master sign plan, which is more than what is being proposed for the building at 3500 Lacey Road. Staff believed a master signage plan was necessary to meet the petitioner's needs as well as future needs of the Planned Development while meeting the Village's expectations and development's needs. However, staff believed the master sign plan as proposed by the petitioner should not permit signs larger than what was currently being proposed. Staff believes the maximum size of a wall sign permitted should not exceed 800 square feet, which was still in line with the proposal for 3500 Lacey Road.

Staff recommended modifying the master plan Sign Ordinance proposed by the petitioner by combining the Village's existing Sign Ordinance with the amendment being proposed by the petitioner. Mr. Latinovic reviewed staff's new Sign Ordinance recommendations on page 7 of his report.

To date, no comments were received from neighboring properties. The proposed plan, as revised by staff, was compatible with the surrounding property uses and was consistent with the Village's original goals when the Sign Ordinance was implemented. Staff recommended approval of the proposed master sign plan as modified by staff.

Questions followed on whether the development on Highland Parkway with its tall buildings was considered, wherein Mr. Latinovic explained other comparable municipal Sign Ordinances were researched, such as the Village of Schaumburg, which allowed two wall signs -- 10% of the building wall area or 200 square feet, whichever was less on one side. For the Village of Naperville, their ordinance allowed 1.5 x 1 foot of frontage up to 300 square feet. Oak Brook Terrace allowed 300 square feet or 25% of the wall to which it was applied. As for the rationale for the 800 square feet, staff explained the petitioner arrived at the 765 square feet figure in order for

vehicles to be able to read the sign. In addition, staff pointed out that if the 800 square foot signage was ever removed in the future due to a new tenant, the new tenant could install a sign 1,500 square feet in size. Rather than have such large signage, staff believed it was necessary to cap off the signage square footage to 800 square feet.

As to having two larger tenants, staff did consider signage for two large tenants and a provision exists in the proposed ordinance to address that. Dialog followed on other high-rise buildings in the area and sign comparisons. Mrs. Hamernik asked that the Commissioners keep in mind the large signs for Fry Electronics and XSport Fitness and how those signs compared to the Esplanade development, which was an entirely different and unique development. Mr. Matejczyk concurred and preferred to see signage for such developments on a one-by-one basis.

Mr. Mark Levine, 2852 W. Greenleaf, Chicago, principal for Forcade & Associates, stated he was hired by Sara Lee in conjunction with Hamilton Partners to design Sara Lee's sign in order to state a presence. He agreed the building was unique pointing out the setback of the building was 500 feet from the roadway. Therefore, a larger sign was necessary and appropriate. Mr. Levine was fine with staff's recommendations to modify the proposed master sign plan.

Per Mrs. Rabatah's question, the sign would be installed flat to the building. Mr. Webster saw a potential for conflict whereby the proposed signage may work for this particular tenant but not for future tenants. He was concerned about the size of the sign. Mr. Levine reiterated the importance of scale when dealing with such a large setback. He believed the 800 square feet was appropriate and was legible.

Mrs. Rabatah asked about those buildings over 200 feet and the rationale for proposing four times the building width, wherein Mr. Levine explained that not only was width important, but the height was important. He reminded the Commission that only one side would be allowed on any one building. Lastly, he reiterated his intent was to come up with a master plan that was not specific and undefined and to be made into a guideline.

Chairman Jirik opened up the meeting to public participation. No questions followed. Chairman Jirik closed public participation. Mr. Levine provided no final closing statement.

Mr. Matejczyk conveyed that in addressing the Sign Ordinance, particularly with the larger signs, three issues had to be considered: the distance from the back of the road, the size of the building and the dimensions of the sign itself. He believed each proposal was unique and to arrive with a set of rules to apply in all areas was difficult. He believed it was appropriate for a petitioner with a unique situation to come before the Plan Commission to seek assistance. He agreed the matter was difficult. Chairman Jirik concurred.

Chairman Jirik believed staff's approach was reasonable and if such unique proposals came before the Commission he would prefer to address them individually. Mrs. Hamernik appreciated staff's research in the staff report providing what the current code was, what the petitioner was requesting, and what staff was proposing. Overall, positive comments followed.

WITH RESPECT TO FILE NO. PC 22-07, MR. MATEJCZYK MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE MASTER SIGN PLAN AMENDMENT TO PLANNED

DEVELOPMENT 31 - ESPLANADE, USING STAFF’S RECOMMENDED CALCULATIONS AS FOLLOWS:

1. WALL SIGNS:

- a) EACH BUSINESS OR PROPERTY OWNER IS ALLOWED TO DISPLAY ONE WALL SIGN PER TENANT FRONTAGE ALONG A PUBLIC ROADWAY OR DRIVABLE RIGHT-OF-WAY.
- b) IF THE STRUCTURAL SUPPORT OF A WALL SIGN IS VISIBLE, IT SHALL MATCH THE COLOR OF THE EXTERIOR OF THE BUILDING.
- c) SIGNS MAY NOT BE ROOF MOUNTED.
- d) NO PROJECTING SIGNS POSITIONED PERPENDICULAR TO ANY FACE OF A HIGH RISE BUILDING ARE ALLOWED.
- e) HIGH RISE BUILDINGS LESS THAN 150 FEET TALL SHALL HAVE A MAXIMUM WALL SIGN SURFACE AREA OF 300 SQUARE FEET.
- f) HIGH RISE BUILDINGS RISING BETWEEN 150 FEET AND 200 FEET TALL SHALL HAVE A MAXIMUM WALL SIGN SURFACE AREA OF 1.5 X BUILDING WALL WIDTH AT MOUNTED SIGN HEIGHT, OR 800 SQUARE FEET WHICHEVER IS LESS.
- g) HIGH RISE BUILDINGS RISING OVER 200 FEET TALL SHALL HAVE A MAXIMUM WALL SIGN SURFACE AREA OF 2 X BUILDING WALL WIDTH AT MOUNTED SIGN HEIGHT, OR 800 SQUARE FEET WHICHEVER IS LESS.
- h) BUILDINGS FOUR (4) OR MORE STORIES IN HEIGHT SHALL BE ALLOWED ONE ADDITIONAL (1) WALL SIGN PER SIDE, NOT TO EXCEED THREE (3) SIDES, AND SUCH SIGNS SHALL NOT EXCEED ONE HUNDRED (100) SQUARE FEET PER SIGN. SUCH WALL SIGNS SHALL NOT BE COUNTED TOWARD MAXIMUM ALLOWABLE SIGN SURFACE AREA.
- i) IN NO CASE SHALL ONE (1) BUILDING SIDE CONTAIN MORE THAN TWO (2) WALL SIGNS.
- j) WALL SIGNAGE SHALL NOT BE COUNTED TOWARD MAXIMUM ALLOWABLE SIGN SURFACE AREA ON THE PROPERTY.

2. ALL GROUND SIGNS SHALL COMPLY WITH CURRENT SIGN ORDINANCE.

For the record, Chairman Jirik stated the Commission did address the important points in the Findings of Fact relative to this matter.

SECONDED BY MR. QUIRK

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

Per staff, the next Plan Commission meeting will be scheduled in July.

APPROVED 08/06/07

MRS. HAMERNIK MOVED TO ADJOURN THE MEETING. MR. COZZO SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY. THE MEETING WAS ADJOURNED AT 8:30 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, AUGUST 6, 2007, 7:00 P.M.

Chairman Jirik called the August 6, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk,
Mr. Waechtler, Mr. Webster

ABSENT: Mr. Beggs, Mrs. Rabatah

STAFF PRESENT: Tom Dabareiner, Director of Community Development, Jeff O'Brien, Sr. Planner, Stan Popovich, Planner, Dave Fieldman, Deputy Village Manager, Mike Millette, Assistant Director of Public Works

VISITORS: Terry & Paul Brzezinski, 2219 Haddow Ave., Downers Grove; Susan & James Nelson, 4936 Puffer Rd, Downers Grove; Bonnie Christenson, 4332 Florence Ave., Downers Grove; Peggy Smith, 320 Otis Ave., Downers Grove; Dominic DeLuca, 310 Otis Ave., Downers Grove; Ignacio Gamboa, 4904 Western Ave., Downers Grove; Carlos Sanchez, 4344 Florence Ave., Downers Grove; Thomas Ell, 4920 Puffer Rd., Downers Grove; Nancy & Bill Johnson, 5S140 Francisco Ave., Downers Grove; Janet Daly, 4419 Florence Ave., Downers Grove; Ralph & Kim Grimmer, 4401 Florence Ave., Downers Grove; Debbie & Mark Bougus, 4326 Florence Ave., Downers Grove; Phil Barr, 4605 Puffer Rd., Downers Grove; Mike & Trisha Bakosh, 4906 Cross St., Downers Grove; Dennis & Debbie Secara, 4900 Puffer Rd., Downers Grove; Pat & Marie McMahon, 4908 Puffer Rd., Downers Grove; Donna Retzlaff, 1970 Hitchcock Ave., Downers Grove; Mario Valentini, Warren Johnson Architects, 19 N. Greeley, Palatine, IL 60067; Mark Hockenson, Dunkin' Doughnuts Corporate; Harry Raimondi, Bales Mold Service, 2824 Hitchcock Ave., Downers Grove; Lina Paskevicius, 4436 Florence Ave., Downers Grove; Michael Mataus, 4333 Florence Ave., Downers Grove; Valerie Florez, 4936 Francisco Ave., Downers Grove; Stacey Bales, Bales Mold Service, 2824 Hitchcock Ave., Downers Grove; Ruth Bumblauskas, 4319 Florence Ave., Downers Grove; Brent Hyland; John Madsen, 4823 Cross St., Downers Grove; Betty Rigsby, 1962 Hitchcock Ave., Downers Grove; Jim Nelson, 4936 Puffer Rd., Downers Grove

The Plan Commissioners recited the Pledge of Allegiance.

APPROVAL OF MINUTES

The June 4, 2007 minutes were approved on motion by Mr. Matejczyk, seconded by Mr. Cozzo. Motion carried by voice vote of 7-0.

Chairman Jirik reviewed the protocol for the meeting.

FILE NO. PC-25-07 A petition seeking Final Plat of Subdivision approval for property located on the North side of Hitchcock Avenue, approximately 125 feet East of Thatcher Road, commonly known as 2824-30 Hitchcock Avenue, Downers Grove, IL (PIN 08-11-210-005,-006); Steve Bales, Petitioner; Bales Investment LLC, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC 25-07

Mr. Stan Popovich, Planner, reported the request was for a petition for a Final Plat of Subdivision and consisted of two contiguous parcels (2824 and 2830 Hitchcock Avenue) which were zoned ORM, Office-Research-and-Manufacturing. The parcels are located on the north side of Hitchcock Avenue approximately 125 feet east of Thatcher Road. Originally, the petitioner applied for a building permit to add on to the building at 2824 Hitchcock. After staff determined the parcel consisted of two parcels, it requested a Plat of Subdivision be completed to consolidate the lots. The 41,295 square foot eastern parcel is improved with a 13,785 square foot warehouse and manufacturing building, while the 20,778 square foot western parcel is improved with a 1,025 square foot one-story residential building. The petitioner is requesting a Final Plat of Subdivision to consolidate the two lots into one, 62,073 square foot parcel. The site meets the minimum lot and area requirements for the ORM district. No neighborhood comments have been received.

The property complies with the requirements of the Subdivision and Zoning Ordinance, the Land Use classifications and the Future Land Use Map. Staff recommended approval with the two conditions listed in its report.

Chairman Jirik opened up the discussion to the Petitioner.

Petitioners, Ms. Stacy Bales, 2824 Hitchcock Avenue, Downers Grove, and Mr. Harry Raimondi with Bales Mold Service, 2828 Hitchcock, Downers Grove, were present. Ms. Bales stated she was looking to consolidate her two lots to expand the building. Staff was aware that construction has begun. Mr. Popovich explained prior to the issuance of the Certificate of Occupancy, the plat will have to be recorded and recorded copies provided to staff.

Chairman Jirik opened up the meeting to public comments. No comments were received. Public participation was closed.

WITH RESPECT TO FILE NO. PC-25-07, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS OF STAFF’S REPORT:

- 1. THE SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION PREPARED BY INTECH CONSULTANTS, INC. DATED JUNE 19, 2007; ARCHITECTURAL PLANS PREPARED BY BATIR ARCHITECTS, LTD. DATED MAY 14, 2007; AND ENGINEERING PLANS PREPARED BY INTECH CONSULTANTS, INC. DATED JUNE 12, 2006, LAST REVISED MAY 14, 2007 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL SUBMIT A MYLAR COPY OF THE PLAT OF SUBDIVISION FOR SIGNATURE.**

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, THE PETITIONER SHALL RECORD THE SIGNED PLAT AND RETURN THREE (3) RECORDED COPIES TO THE COMMUNITY DEVELOPMENT DEPARTMENT.

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

AYE: MR. COZZO, MR. MATEJCZYK, MRS. HAMERNIK, MR. QUICK, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 7-0

FILE NO. PC-27-07 A petition seeking a Special Use for a Drive-Up Window for property located on the Southeast corner of Ogden and Woodward Avenues, commonly known as 1931 Ogden Avenue, Downers Grove, IL, (PIN 09-06-303-001); Michelle Dzul, Warren Johnson Architects, Petitioner; Fred Iozzo, President Grant Property Management, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC 27-07.

Mr. Popovich, Planner, reported this is a Special Use petition for a drive-through for a Dunkin’ Donuts restaurant at the southeast corner of Ogden and Woodward Avenues. The property is zoned B-3, General Services and Highway Business. The 37,157 square-foot parcel is vacant with a 2,224 square foot commercial building, which previously housed a Wendy’s restaurant with a drive-through. The petitioner is proposing to renovate the building into a Dunkin’ Donuts. The site will remain in the same configuration as it was during the previous Wendy’s use. The existing building is centered on Ogden Avenue with a curb cut on either side. The two curb cuts will remain as the site circulation is one-way, counter-clockwise traffic flow around the building.

The drive-through is located on the east facade of the building and will face an adjacent commercial use to the east and will provide adequate stacking space. Forty-one (41) parking spaces are provided around the site where 23 are required. Mr. Popovich reviewed the landscaping planned for the site. The petitioner submitted photometric plans showing that minimal light will be encroaching near the residential area. Staff has requested through the permit phase that the plan be expanded to show foot-candles at the south property line.

Per staff, the proposal complies with the Village’s Zoning Ordinance, the Ogden Avenue Master Plan and all Village zoning and land use classifications. Staff has not received any comments from abutting neighbors and recommended approval of the petition subject to the one condition in its report.

Mr. Waechtler had questions about the required setback of 8 feet, wherein Mr. Popovich said the existing parking setback is between 4 and 8 feet. The property line ran straight back and was four feet from the property line on the north side and then returned to 8 feet on the southern line, which he recalled was an exception to the previous development. Mr. Matejczyk noted the turn to the west would be difficult due to the hill on Ogden Avenue.

In response to a question by a Plan Commission, staff explained Special Uses that have been vacated for over 18 months must return to the Plan Commission for review. The drive-through, menu board, and drive-through drive aisle will remain in relatively the same location as the previous Wendy's use.

Mr. Popovich explained landscaped screening and existing fencing (board on board) along the residential area in more detail.

Chairman Jirik swore in Mr. Mario Valentini with Warren Johnson Architects, 19 N. Greeley, Palatine, Illinois, who summarized how the rehabilitation would take place. He also favored the flow of traffic for the site. He believed an opportunity existed to utilize the building and to make it into something useful. He asked for the Plan Commission's support.

Mr. Waechtler pointed out no franchisee was attached to the building yet, and the building was being developed by Dunkin' Brands. Mr. Waechtler raised concerns with regard to the hours for the drive-through and noise. Mr. Valentini addressed how the lighting and noise would be incorporated into the site plan noting they were sensitive to residential concerns. The restaurant would remain open 24 hours. Mr. Waechtler preferred a higher fence to keep noise down. Mr. Valentini was open to suggestions for the fencing. Chairman Jirik suggested a solid fence and that it turn the corner at the east. Mr. Valentini stated the landscaping drawing (L1) depicted the existing wooden fence along the south property line to remain, but he would replace it with a higher fence. The eastern portion of the fence runs approximately 40 feet north of the south property line and it too will be replaced with a higher fence.

Chairman Jirik opened the matter to public comment. No comments followed.

The petitioner added the lighting levels for the southern property line were less than half a foot-candle.

WITH RESPECT TO FILE NO. PC 27-07, MR. WEBSTER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO ALLOW THE SPECIAL USE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE IMPROVEMENTS SHALL SUBSTANTIALLY CONFORM TO THE ARCHITECTURAL AND LANDSCAPE PLANS PREPARED BY WARREN JOHNSON ARCHITECTS, INC. DATED JUNE 22, 2007 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PETITIONER SHALL REPLACE THE SOUTH FENCE IN ITS ENTIRETY AND THAT PORTION OF THE EAST FENCE AS DELINEATED IN THE PETITION, WITH AN EIGHT (8) FOOT FENCE.**

SECONDED BY MR. WAECHTLER.

ROLL CALL:

**AYE: MR. WEBSTER, MR. WAECHTLER, MR. COZZO, MRS. HAMERNIK,
MR. MATEJCZYK, MR. QUIRK, CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

FILE NO. PC-23-07 A petition seeking 1) Rezoning of 4314-18 Florence Avenue from R-6, Multiple Family to B-3, General Services & Highway Business; 2) Special Use for an Auto Dealer for 4314-18 Florence Avenue and 317-327 Ogden Avenue; 3) Final Plat of Subdivision approval for property located at the Southwest corner of Florence and Ogden Avenues, commonly known as 4314-18 Florence Avenue and 317-327 Ogden Avenue, Downers Grove IL, (PIN No.'s 09-04-300-028-029, 09-04-300-004,-005,-006,-007, 09-04-300-052); Rod Mourad, Petitioner; Joe Abbas, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-23-07

Mr. Jeff O'Brien, Senior Planner, reported the petitioner was not present, and staff would recommend presenting its report, take testimony and then continue the case in order for the petitioner to address any questions at the next meeting. Mr. O'Brien indicated due to the large amount of the public present this evening, he recommended the Plan Commission allow the neighbors to speak. Chairman Jirik noted the petition in front of the Commission was the petition before them, and they would proceed as normal, continue to a date certain, and follow the normal meeting protocol.

A number of Commissioners voiced their discord that the petitioner was not present at the meeting. A discussion followed on how to proceed.

Mr. Dave Fieldman, Deputy Village Manager, stated the Village did not object to continuing the petition to a date certain without hearing the staff report or neighborhood input. He requested the Plan Commission consider a special meeting due to project's relation with a Village stormwater project. Mr. Fieldman indicated that for budgetary reasons the two projects were linked and the Village project was scheduled to begin in 2007.

The Plan Commission discussed possible dates and concurred to continue the petition without hearing the staff report and public comment.

MR. WAECHTLER MADE A MOTION TO CONTINUE FILE NO. PC-23-07 TO A DATE CERTAIN, THAT DATE BEING AUGUST 20, 2007. MEETING TO BE HELD AT VILLAGE HALL. SECONDED BY MR. MATEJCZYK.

ROLL CALL:

**AYE: MR. WAECHTLER, MR. MATEJCZYK, MRS. HAMERNIK, MR. COZZO,
MR. QUIRK, MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Chairman Jirik stated he would swear in the individuals again at the continued meeting. He again briefly explained the protocol of the meeting’s public notice. The public was informed to contact Senior Planner O’Brien with any questions.

(The Plan Commission took a short recess at 8:05 p.m. and reconvened at 8:15 p.m.)

FILE NO. PC-28-07 A petition seeking 1) Final Plat of Subdivision approval; 2) Rezoning from R-4, Single Family Residential & R-6, Multiple Family Residential to B-2, General Retail Business for properties located at the Southwest corner of Belmont Road and Haddow Avenue, commonly known as 4900 to 4940 Belmont Road, Downers Grove, IL (PIN’s 08-12-211-006,-007,-008,-009,-010, 08-12-217-001, 08-12-211-013 and 1) Final Plat of Subdivision approval; 2) Front Yard Setback Variation for properties located at the Northeast corner of Belmont Road & Hitchcock Avenue, commonly known as 5005 to 5009 Belmont Road, Downers Grove, IL (PIN’s 08-12-215-001,-002,-003,-004,-005,-006,-007); Village of Downers Grove, Petitioner/Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC 28-07.

Mr. O’Brien explained the Village was seeking approval for two public parking lots associated with the Belmont Underpass project. The first lot would be located at the southwest corner of Haddow Avenue and Belmont Road, which is currently zoned R-6 and R4. The other lot would be located at the northeast corner of Hitchcock Avenue and Belmont Road, which is currently zoned B-2. An overview of the site was displayed on the overhead. Most of the work will be taking place in the Village’s right-of-way. Renderings of what the project would look like once completed were also displayed. Mr. O’Brien stated one of the goals was to keep the number of parking spaces the same, approximately 920 public and private spaces. However, some spaces would be lost due to the proposed ramping.

The southeast lot was proposed to be consolidated into one property with a variation necessary to construct the proposed parking lot along the front yard. Staff was seeking a plan change so that a front yard variation was not required along Hitchcock Avenue. The southeast lot was to include a plat of consolidation to consolidate it into one lot and to rezone it to a B-2 district.

Reviewing the southeast lot’s design, Mr. O’Brien reviewed the parking spaces encompassing the lot noting an underground detention basin would be provided for stormwater. Approximately 151 parking spaces were proposed with one parking space to be lost. In addition, a 10-foot setback would exist to the residents to the east side of the site. Approximately 32 six-foot evergreens would be planted along the eastern property line as well as a six-foot fence. The Village is requesting a three-foot variation along Belmont Road.

The northwest parking lot will include 148 parking spaces and a new access to Haddow Avenue. Restrictive movements will also be included into the site. There will be a 10 to 12 foot buffer to the neighbors to the north for a total 24-foot setback. Approximately 37 six-foot tall evergreens will be planted on a berm along the western property line.

Mr. O'Brien noted the Village staff recommended approval of the petition with the conditions stated in the staff report.

Mr. Webster asked whether the Village Forester approved the location of the trees on top of the berms. Staff informed him the Forester will review and approve all plans.

Mr. David Fieldman, Deputy Village Manager, presented as the petitioner and noted the Village is putting themselves through the public review and approval process. He outlined the project and how the project met the standards detailed in the staff report.

Chairman Jirik opened the petition to public participation.

Mr. Michael Bakosh, 4906 Cross Street, noted Puffer School is the backdrop to the northwest parking lot. He was concerned about the amount of traffic that will be located next to the school. He stated he has observed traffic turning south onto Belmont Road, west onto Burlington Avenue, and then north through the rural roads to head north. Mr. Bakosh expressed concern about the amount of existing traffic and the increased traffic.

Mrs. Trisha Bakosh, 4906 Cross Street, stated it was difficult to turn left onto Belmont Road from Haddow Avenue with no light. She felt the parking would be better along Burlington Avenue and the southeast parking lot. She is worried about people driving by the school in a hurry to find a parking space. She does not believe a traffic light will help at Haddow Avenue and Belmont Road and would like to see no increase in the number of parking spaces.

Mrs. Terri Brzezinski, 2219 Haddow Avenue, stated she is concerned with safety issues. She also does not believe a traffic light will help at Haddow Avenue and Belmont Road. She quoted a 1999 report which discussed a traffic signal at Haddow Avenue and Belmont Road. The study stated it would have a negative impact and increase traffic which is contrary to what is being presented tonight. She stated she met with staff before to discuss her concerns. She feels the best use of the land is for residential uses which could provide tax benefits to the school and park boards.

Mrs. Brzezinski questioned why this case was coming before the Commission at this time because according to the Illinois Commerce Commission, no funding has been provided to Metra for this project at this time. She inquired why the Village was the petitioner when Metra owns the land. Mr. O'Brien stated Metra was going to quit-claim the properties to the Village. Chairman Jirik explained to Mrs. Brzezinski that the petitioner does not have to be the owner of the property.

Mrs. Brzezinski felt the parking lots should be tied to the construction of the underpass and if the underpass is not going to happen for a number of years, the Village should not approve the rezoning. She questioned if the plans would change would the Village have to present them again? Mrs. Brzezinski expressed concern for not only the school children, but the children that use the playground at Puffer School. She asked questions regarding flooding in the neighborhood, parking lot lighting, the impact of the proposal on a septic field, and the outdoor speaker at the Belmont

Station. She concluded by expressing her concern over the safety of the school children, the safety of the traffic light, the safety of the parking lot and asked the Village to complete a traffic study.

Mr. Pat McMahon, 4908 Puffer Road, agreed with the previous speaker and wondered when the underpass was going to be constructed. He suggested less parking be located north of the track and more south. He wondered what would happen to the parking lots if the underpass wasn't built. Mr. McMahon stated Haddow Avenue is crowded with people picking up their children from Puffer School, and there will be even more traffic congestion if the parking lot is installed.

Mr. Dennis Secara, 4900 Puffer Road, explained he works out of his home and noted the school principal directs traffic along Haddow Avenue. He feels the parking is better on the south side of the tracks because it is industrial whereas on the north side of the tracks there is a school, playground, residential and a golf course. He sees congestion both in the morning and evening. He also does not believe the traffic light at Haddow Avenue and Belmont Road will calm traffic and believes children will be hurt.

Ms. Betty Rigsby, 1962 Hitchcock Avenue, stated she used to be on the Puffer School Board, and they were concerned with the underpass. She is concerned about the southeast parking lot and the lights that will shine into her property on Hitchcock. She stated it is a nightmare to attempt to turn left onto Belmont Road, and many people go to Curtiss to turn left onto Belmont Road. She suggested the addition of this parking lot will create bigger problems than are currently there along Hitchcock Avenue.

Mr. John Madsen, 4823 Cross Street, was concerned about the public safety requirements for the northwest parking lot. He did not believe there was any safety study completed for the proposed plan. He recommended the Village undertake a safety study. He was also concerned about installing the parking lot prior to the underpass being constructed.

Mrs. Donna Retzlaff, 211 Cass Avenue, Westmont, a 1/3 owner of 1970 Hitchcock Avenue, expressed concern about the six-foot fence that is proposed adjacent to her Hitchcock Avenue property. Mrs. Retzlaff asked if a berm is a better option than a fence, why a berm is being constructed on the northwest parking lot and not the southeast parking lot. She stated it is very difficult to access Belmont Road, and many people use Hitchcock to go to Curtiss to the light. She believes there will be more traffic once the underpass is completed, and the trains do not stop traffic.

Mrs. Marie McMahon, 4908 Puffer Road, was concerned with the northwest parking lot. She stated the safety of children was not noted in the staff report and is worried since Puffer School will add a preschool in the fall. The traffic is already a bottleneck during certain parts of the day, and the proposal is an accident waiting to happen.

Mr. Jim Nelson, 4936 Puffer Road, noted in addition to Puffer School children, high school students also wait for buses at the school. He stated when a train goes through the area, it backs up traffic, and he believes the parking lot will add additional congestion. Mr. Nelson pointed out no study of auto emission effects has been done.

Mr. Paul Brzezinski, 2219 Haddow Avenue, stated Haddow Avenue is the main entrance into the subdivision and with parking on both sides of the street it backs up traffic, especially in the morning

when people are leaving their houses. He asked who had the authority to install a traffic light at Haddow Avenue and Belmont Road. He believes the Village is shifting more parking into residential areas and would prefer more parking be located south of the railroad tracks. Mr. Brzezinski also expressed concern because he had not seen drainage addressed in the proposal.

Chairman Jirik noted the audience had provided a lot of information, and the Commission may wish to review some of their materials. He stated the Commission should look at the science and engineering behind the proposals to make their decision. Chairman Jirik explored the potential to redesign the layout.

Mr. Matejczyk stated the audience made good points that the Commission needs to discuss. He is concerned about the complexity of the long-range plans for the Belmont station and the complexity of traffic studies. He believes the northwest lot should be studied further, and a long-range parking and traffic study should be completed.

Mr. Waechtler agreed it was difficult to make a left turn from Hitchcock Avenue onto Belmont Road, and many people probably use the Curtiss Avenue light.

Mr. Dave Fieldman addressed the Commission stating the hearing has been very helpful and the staff would request a motion to continue the petition to the October 1 Plan Commission meeting. He stated the Village would look into the existing traffic issues associated with Puffer School at the Parking and Traffic Commission's September meeting. The Village would want the Commission to be able to review the findings and recommendations of the Parking and Traffic Commission as well as other records the Village may have in regard to the parking lots.

Mr. Fieldman cautioned against redesigning the configurations on the fly and stated many issues and considerations were taken into account to achieve the plan presented tonight.

Chairman Jirik confirmed if the meeting is continued, public participation would remain open and anyone could speak for the first time or again.

Mrs. Hamernik reminded the Commission that the task at hand is the parking lots, not the entire underpass and its ramifications. Chairman Jirik agreed and noted the Commission is not reviewing the underpass itself or how to coordinate construction, but is only looking at the parking lots presented in the staff report. Chairman Jirik noted the commission could continue to a date certain that date being October 1.

Mr. Waechtler noted if people could not make the next meeting, they could provide written statements to staff.

Chairman Jirik noted he would entertain a motion.

WITH RESPECT TO FILE NO. PC 28-07, MRS. HAMERNIK MOVED THAT THE PLAN COMMISSION CONTINUE THE PETITION TO THE OCTOBER 1, 2007 REGULARLY SCHEDULED MEETING. SECONDED BY MR. MATEJCZYK.

ROLL CALL:

AYE: MRS. HAMMERNIK, MR. MATEJCZYK, MR. COZZO, MR. QUIRK, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 7-0

The Commission thanked staff for the thorough reports and for attending the meeting to provide additional information regarding the petitions.

MR. WEBSTER MOVED TO ADJOURN THE MEETING, AND MR. WAECHTLER SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 10:22 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

AND

Stan Popovich, AICP
Planner

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, AUGUST 20, 2007, 7:00 P.M.

Chairman Jirik called the August 20, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

STAFF PRESENT: Jeff O'Brien, Senior Planner, Mr. Stan Popovich; Village Planner, Mike Millette, Asst. Dir. of Public Works, David Fieldman, Deputy Village Manager,

VISITORS: Ron Kotecki, Integrated Bldg. Systems, 719 Plaza, Westmont; Rod Mourad, Luxury Motors, Ogden Ave., Downers Grove; Clementine Stankowiak, 4444 Florence Ave., Downers Grove; Dorothy A. Berzy, 4435 Florence Ave., Downers Grove; Bonnie Christenson, 332 Florence Ave., Downers Grove; Peggy Smith, 320 Otis Ave., Downers Grove; Dominic DeLuca, 310 Otis Ave., Downers Grove; Henretta McKenzie, 4516 Florence, Downers Grove; Joe Fisher, 4332 Florence, Downers Grove; Carlos Sanchez, 4344 Florence Ave., Downers Grove; John Matalis, 4333 Florence Ave., Downers Grove; Walter Tucknott, 4345 Fairview, Downers Grove; Robert Vogel, 325 Otis Ave., Downers Grove; Janet Daly, 4419 Florence Ave., Downers Grove; Ralph Grimmer, 4401 Florence Ave., Downers Grove; Debbie & Mark Baugus, 4326 Florence Ave., Downers Grove; Michael Matalis, 4333 Florence Ave., Downers Grove; Ruth Bumblauskas, 4319 Florence Ave., Downers Grove; Bob Labate, 4421 Florence Ave., Downers Grove

Chairman Jirik called to order the following continued hearing:

FILE NO. PC-23-07 A petition seeking 1) Rezoning of 4314-18 Florence Avenue from R-6, Multiple Family to B-3, General Services & Highway Business; 2) Special Use for an Auto Dealer for 4314-18 Florence Avenue and 317-327 Ogden Avenue; 3) Final Plat of Subdivision approval for property located at the Southwest corner of Florence and Ogden Avenues, commonly known as 4314-18 Florence Avenue and 317-327 Ogden Avenue, Downers Grove IL, (PIN No.'s 09-04-300-028-029, 09-04-300-004,-005,-006,-007, 09-04-300-052); Rod Mourad, Petitioner; Joe Abbas, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-23-07. The protocol for the meeting followed.

Mr. Stan Popovich, Village Planner, explained that the petitioner is requesting a Rezoning, Special Use and Final Plat of Subdivision of two properties. Currently, the two properties are zoned R-6, Multiple Family Residential, and the petitioner is requesting B-3 zoning, General Services and Highway Business. The Special Use is for an automobile dealership. The Plat of Subdivision will consolidate ten separate parcels into a single parcel. The site is located at the southwest corner of Florence and Ogden Avenues and totals approximately 108,000 square feet or 2.47 acres. The petitioner intends to maintain the two existing commercial buildings and improve the parking lots

surrounding the buildings. Also proposed is the removal of four curb cuts along Ogden Avenue. Two curb cuts on Florence Avenue will be combined as one curb cut. The proposal calls for increased green space along the edges of the property. The minimum required landscaped green space is 10% of the site area, with 50% being located within the front yard, resulting in a total requirement of 10,786 square feet with 5,393 square feet in the front yard. As designed, the site will have 11% open green space with 59% of the green space being located within the front yards of Florence and Ogden Avenues. The newly proposed landscaping plan was presented on the overhead projector. The remaining open space is provided within two transitional yards along the south property lines. As a condition of approval, staff is requiring that evergreen screening be provided south of the Florence Avenue curb cut to screen the residential areas. Staff is recommending an eight-foot fence to improve screening along the south and west property lines.

An existing sidewalk along Florence Avenue will remain. The petitioner will be paying a fee in lieu of constructing a sidewalk along Ogden Avenue for the portion abutting their property. The Village will be constructing the sidewalk from Florence to Fairview. The petitioner is providing 15 customer parking spaces and approximately 268 sale vehicle spaces, which is a reduction from the current number of parking spaces. Sale vehicles will be delivered per a vehicle-loading plan and semi-truck loading/unloading will be on site and not on Ogden or Florence Avenues.

The proposal complies with the bulk requirements of the Zoning Ordinance. The public announcement system will be removed, and the petitioner will provide a detailed test-drive plan to the Village, or, if not provided, will comply with the Village's test-drive plan. Hours of operation are outlined in the Special Use.

The rezoning requests for the two residential properties are necessary to expand the petitioner's business, and portions of the residential lots are being used to buffer the other residential uses that remain along Florence. The project is consistent with the goals of the Ogden Avenue Master Plan, and staff believes the rezoning will be a benefit and increase the lot's depth. Currently no signs are being proposed, but any future signs will have to meet the Village's sign ordinance.

Stormwater management will be improved by the petitioner through new grading and catch basins. A photometric plan will be provided during the permitting phase of the project. Three curb cuts are proposed, and the drive aisles will provide emergency access. Comments and concerns for this project have been received from the neighbors.

Staff supported the project, noting the Standards for Rezoning, Special Use, and Plat of Subdivision were being met, and staff recommended approval subject to the recommendations in its report.

Mr. Popovich explained the eastern side of the alley was never dedicated, but the alley to the west was dedicated. However, staff has not found records indicating that the western portion has been vacated or not. Staff and the petitioner will have to research whether the alley is dedicated or not.

Mr. O'Brien explained the enforcement of the operations was currently being worked out in a Redevelopment Agreement between the Village and the petitioner. If the petitioner is found in violation, the Village can withhold the petitioner's sales tax rebates. Additionally, the petitioner will be required to submit a test-drive plan, or, if the petitioner does not, then the petitioner will have to adhere to the Village's test-drive plan, which plans to keep vehicles out of the residential neighborhoods. A question was asked whether consideration to have a right-in and a left-out into

the site from Florence Avenue had been considered. Staff indicated it had been, but that staff decided not to recommend restricting access to Florence because IDOT could restrict access to Ogden. Details followed on the detention basin for Florence Avenue, noting it would be similar to the detention basin for the fire station previously seen by the Plan Commission. Other businesses along Ogden Avenue could use the detention basin. Per staff, no fencing was planned for the eastern portion of the site, but staff suggested the petitioner install fencing similar to the north portion of the site. Chairman Jirik suggested that the fence height for the areas abutting residences be more specific. Staff reviewed its recommendations to address pedestrian traffic crossing Ogden Avenue in the middle of the block. Per Mr. Webster's question, staff would re-review the west driveway in petitioner's truck-turning exhibit. Mr. O'Brien noted the curb radius would likely be adjusted during IDOT's permit review.

Petitioner, Mr. Rod Mourad, Luxury Motors, 1529 Placer Court, Naperville, Illinois, summarized the history of the business dating back to 1993 and explained he began acquiring properties along Ogden Avenue over the years. He would like to keep his headquarters in Downers Grove, grow his business, and be a good neighbor to the Village and to the residents. He summarized most of his customers come to Downers Grove from the Internet. He stated cars would be delivered out of the north side of the property. However, he stated as much as he will notify the truck drivers to not deliver on Ogden and Florence Avenues, there will be some drivers that will not listen. He encouraged the police to ticket them. He also noted his employees have been directed not to test drive in the neighborhoods, and the residents should contact him directly if it is occurring.

Per Mr. Waechtler's question, Mr. Mourad explained most of the cars he sells are retail and leasing is an option to the purchasers who are usually high-end purchasers. He noted about 70% of the cars are brought in to be picked up by the purchaser while the remaining 30% are going to be shipped. No sales office will exist on the south side of Ogden Avenue, but there will be general business offices and a conference room. Eventually, Mr. Mourad said he would like some sort of fencing to keep customers from coming to the south side. He discussed the steps he was taking to address his employees from crossing Ogden Avenue and the difficulty of enforcement. He suggested getting input from the neighbors to resolve this issue.

For the record, Chairman Jirik stated the landscaping plan presented depicted the landscaping only and not the parking layout. Mr. Popovich confirmed this fact. Mr. Mourad confirmed that he was familiar with staff's recommendations and offered to install an eight-foot fence if necessary.

Chairman Jirik discussed with the petitioner in more detail the customer activity and questioned why another curb cut was necessary on Florence Street, wherein Mr. Mourad discussed the difficulty of traffic along Ogden Avenue, and it hinders his business during certain hours. He noted there was an adjacent opening across Florence Avenue. Chairman Jirik voiced concern that vehicles would avoid Ogden Avenue because it was too busy. As to the side streets, Mr. Mourad stated he did not want to be treated differently from other businesses in the Ogden Corridor. On another matter, Mr. Waechtler asked that Mr. Mourad address a fence issue on the north side, wherein Mr. Mourad indicated he was in the process of fixing the fence even though it was not on his property.

Chairman Jirik opened up the meeting to public comment:

Ms. Ruth Bumblauskas, 4319 Florence Avenue, Downers Grove, asked how tall the shrubbery would be, how it would be maintained, and had concerns about the lighting, as she resides directly across the street.

Mr. Ralph Grimmer, 4401 Florence, Downers Grove, was sworn in. He voiced concern about the lighting enforcement and where employees would park. Mr. O'Brien responded the Village Planners or Code Enforcement Officers could take a meter reading for enforcement in there was an issue. Mr. Grimmer said he could not think of another instance where a road intersects with Ogden Avenue where residential frontage comes so close to commercial property.

Mr. Mike Matalis, 4333 Florence, Downers Grove, expressed concern about rezoning the two properties to commercial zoning, precedence setting, and did not support commercial going into residential property. As to unloading of cars on Florence Avenue, he had concerns about enforcement. He asked if a gate could be installed at one of the driveways so that Luxury Motors could be responsible for opening the gate to receive deliveries.

Mr. Robert Vogel, 325 Otis Avenue, Downers Grove, believes the petitioner is trying to run a business, but his employees/porters disrespect everyone around. Mr. Vogel expressed concern about his children's safety.

Mr. Mark Baugus, 4326 Florence, Downers Grove, voiced the same concerns as everyone else and had concerns about lowered property values. He asked the location of the parking lot for the customers and employees. He has called the police numerous times because cars were blocking his vision to pull out from his street. He believed the petitioner was not being a good neighbor. Lighting was also a concern and the safety of Luxury's employees cutting across Ogden Avenue.

Mr. Bob Labate, 4421 Florence, with Mini Mid-size Corporation, was sworn in. He said there was a disproportionate impact on the neighborhood, noting the run-down homes in the area. He voiced concern that if the project is approved, it will be done and there will have been no involvement nor contact of the neighbors in the planning process. He agreed there was a negative impact on the neighborhood, and it would get worse if the petitioner moved. He does see the porters running back and forth and voiced concern about their safety. He inquired as to the remedy if the recommendations were not followed. Mr. Labate suggested taking the next month for the community to meet with staff and the petitioner or continue the matter to a date certain. Chairman Jirik indicated it was the petitioner's right to have a public hearing and whether the Commission chooses to continue the meeting or to vote on the matter is the Commissioners' choice.

For the record, Mr. Fieldman read Section 28.1903, Conditions of Approval, noting the Village Council may impose certain conditions upon a Special Use and any violations shall be deemed a violation of the Zoning Ordinance which calls for monetary fines and any other penalties, and the Village Attorney may seek injunctive relief. Chairman Jirik informed Mr. Labate that the Commission is a fact-finding body, which gathers the facts, and moves the matter on to a Village Council Workshop.

(The Plan Commission took a five-minute break at 8:33 p.m. The Plan Commission reconvened at 8:38 p.m.)

Mr. Beggs asked someone to address how the B-3 zoning issue in this area was different from the adjacent B-3 district or the other areas. Addressing the Ogden Avenue Master Plan, Mr. Fieldman, Deputy Village Manager, explained the Ogden Avenue Master Plan was approved in 2002 which called for functional improvements on Ogden Avenue from a traffic and pedestrian standpoint, aesthetic improvements, improved sales tax increases, equalized assess value increases, the creation of new green space, reduced curb cuts and improved sidewalks, etc. and an increase in lot depth for more uniform setbacks. The main issue was businesses could not expand and modernize their buildings and parking lots on the existing lots. What was different was the approach that the Village and petitioner were taking to make the project work. The Ogden Implementation Strategy explained the goals of how to improve Ogden Avenue, improve operations, and redevelop two sites per year. Lastly, the Strategic Plan had two goals: provide for a strong and diverse economy, with the Ogden Avenue Corridor being the economic engine for the Village and create vibrant commercial corridors focusing on similar sites.

Furthermore, Mr. Fieldman discussed the relationship the Village had with Luxury Motors since 1999 as it relates to incremental sales tax. Enforcement would be through fines and court fines. Because compliance was not occurring with Luxury Motors in 2005, the Village entered into a Redevelopment Agreement with Luxury Motors. Coincidentally, Mr. Mourad came on board at that time. At that time, any violation by Luxury Motors resulted in the Village withholding their sales tax rebate check until an issue was corrected. If not corrected within 90 days, the Village permanently held the quarterly sales tax rebate check. Since the time of Mr. Mourad's arrival, a number of issues have been resolved on the north side of the project. Similarly, the same issues are being addressed for the south property. Chairman Jirik directed the residents to view the Ogden Avenue Master Plan.

Chairman Jirik proceeded with public comment:

Mr. Joe Fisher, 4332 Florence, Downers Grove, believed the zoning change should have been done before the two apartment buildings were demolished. He expressed concern about the small size of the drainage area being proposed and traffic flow on Florence when construction begins. Another issue was the credibility of the petitioner and the fact that an earlier lot was razed and has remained an eyesore. He questioned the petitioner's intent.

Mr. Mike Matalis, 4333 Florence, Downers Grove, discussed his difficulty in trying to access the Ogden Avenue Master Plan on the Internet. He also voiced concern about the assurance of any agreements after the meeting has ended. He also found it interesting that the Village Council had already voted on the tax rebate at its June 5, 2007 meeting, understanding that the Village Council basically approved the proposal presented before the Plan Commission. Mr. Fieldman clarified the Village Council was obligated to go through the process but not obligated to approve anything. Chairman Jirik clarified that Mr. Matalis could voice his opinion on this matter at the Village Council Workshop meeting as long as it was in the purview of the Council.

Chairman Jirik proceeded to ask staff to address certain stormwater detention items raised during the meeting.

Mr. Mike Millette, Assistant Director of Public Works, explained constructing the basin under the right-of-way or under the building was no different from any other basin and pointed out that underground detention was the future. The Village is running out of land. Looking at the

petitioner's location, staff did consider some of the neighbors' water issues and determined to place the detention in the right-of-way in order to have access to it. It was not detrimental to public safety. Mr. Millette explained that placing the detention in the ground would cause disruption to the area. However, the construction duration for the system will be quick; i.e., probably one week, depending upon the weather. While he would have liked to install a larger system, the nearby sanitary system was a deterrent to that, but the proposed system was very adequate. The entire south side of the proposal will be reconstructed to collect all the water from the site.

Mr. Joe Fisher, 4332 Florence, questioned why the Village would want to tear up a paved street when two empty lots existed, wherein Chairman Jirik explained that if the developer put the detention in, it would meet basic requirements, wherein if the Village installed the detention, provided more storage and was maintained by the Village. Per Mr. Fieldman, the basin was considered an economic development tool in the sense to draw further redevelopment. If it works, the basin would be used as a model to pursue up and down Ogden Avenue.

Mr. Labate, 4421 Florence, inquired about the length of time the street would be unusable, wherein Mr. Millette estimated about two months.

As to the Ogden Avenue Master Plan, Mr. O'Brien suggested that residents could call or email him for a copy of the document, but the document was temporarily taken off the web site and would return in the future.

Regarding maintenance and enforcement of landscaping, Mr. O'Brien stated if overgrowth occurs, residents should contact the Village who in turn will send a Code Enforcement Officer out to the site. Details of the enforcement process followed. Fence maintenance also falls under Code Enforcement. Mr. O'Brien emphasized to the residents that if the petitioner is not in compliance with conditions imposed on it by Village Council, a Certificate of Occupancy would not be issued.

In response, Mr. Mourad, Luxury Motors, explained his employees have been instructed to cross at the Fairview light. From a business standpoint, he stated he was going to have fewer cars, address the issues of the employees crossing the street, parking their cars, and providing more landscaping and fencing. He said he was working with the community to address the issues. More specifically, employees will park on the south side and the north side. Currently there were 20 employees parking on the south side. With the Special Use, he expected another 10 employees to park there. Per Chairman Jirik' question, Mr. Mourad stated he would designate enough parking spaces for his employees on site, and it was already in the plan. Mr. Mourad stated he did not have control over the truck drivers and, in fact, some of the truck drivers were delivering cars to his site for the first time. Their paperwork states they cannot unload cars at the Saab dealership.

Chairman Jirik asked the public if there were any new comments other than what was addressed. No public comment was received, and the chairman closed public comment.

Mr. Mourad closed by stating that he hoped he answered everyone's questions. Discussing lighting, he stated he did not need bright lighting to display the cars, but some lighting was necessary for security purposes. He discussed his professional background and noted he was trying to make changes. Mr. Mourad offered to plant more trees near Ms. Ruth Bumblauskas's home. Per a question, Mr. Mourad explained he razed some buildings because they eventually became empty due to the tenants moving out, and he did not want them to draw vandalism. He stated to the public

that while he wanted to spend more time with them he asked them to call him personally with questions. He emphasized he was spending four to five times more money on the improvements to the site versus moving to a "green" site further west.

Deliberation among the Plan Commissioners included the fact that the Plan Commission could have worked more efficiently if the community was better informed by staff. Mr. Matejczyk also concurred noting the meeting would have been more productive if the petitioner met with the community, wherein Mr. O'Brien stated staff always encouraged petitioners to meet with the community.

A concern was raised about the test drives taking place on residential streets. Chairman Jirik suggested installing signage at the Florence Avenue driveway to address this issue. Mr. Beggs, however, voiced concern about the Village directing traffic down all the streets with a concrete barrier and believed further research was necessary. However, Mr. Waechtler disagreed, noting the traffic was test drive traffic. Mr. O'Brien discussed how traffic movement and operation is reviewed among staff and the fact that staff was addressing specific issues from the neighbors; i.e., complaints of loading/unloading, employees running across the street, employees parking on Florence Avenue, and test drives. Staff tries to look at the sites for issues specific the proposed uses.

Discussing signage and reducing traffic, Mr. O'Brien stated the commission could 1) approve staff's recommendation, 2) recommend a physical change to the intersection of Florence and Luxury Motors, or 3) recommend signage restrictions for Luxury Motors. If signage was to be added, Chairman Jirik suggested if the conditions are not met by the petitioner, then revisit the matter with physical changes. Mr. O'Brien indicated the staff could re-review the performance of signage at date certain; however, staff preferred a physical alteration if the Plan Commission recommended adding a turn restriction onto Florence.

Discussion followed by Mr. Cozzo on the Florence Avenue curb cut and the lack of an argument of why it had to stay. He proposed to eliminate the access drive or gate it and use the access drives off Ogden Avenue. However, Mr. Mourad discussed the difficulty of making the turn into the site. Mrs. Hamernik reminded the Commissioners that other businesses had secondary access drives and it would be unfair to the petitioner. As to the Florence Avenue curb cut under discussion, it was a full access. Mr. O'Brien stated staff recommended a full access because IDOT could be requiring a right-in/right-out onto Ogden Avenue, and the Village had no control over access to Ogden. At the eastern-most access onto Ogden Avenue, the left turn was offset by a driveway on the north side of the road further to the east. Staff wanted to place conditions on the project to restrict traffic from Luxury Motors into the neighborhood. Mr. O'Brien noted the conditions addressed past complaints about the operations on the property.

Mr. O'Brien offered a condition to the motion "a sign restricting southbound movements onto Florence Avenue shall be required. If the petitioner fails to comply with Conditions 7 through 9 herein at any time 24 months after the Certificate of Occupancy has been issued, the petitioner shall reconstruct the entrance to physically restrict movements onto Florence Avenue."

Mr. Mourad raised reservations about this additional recommendation. Chairman Jirik reiterated the Commission was trying to restrict test driving through the neighborhood and believed it was in the petitioner's interest to ensure that they comply with the test-drive plan. Mr. Mourad questioned

how it would be enforced wherein Chairman Jirik stated it would depend upon telephone complaints. Mr. Mourad again raised reservations and re-iterated he did not want to be treated any different from other businesses along Ogden.

WITH RESPECT TO FILE NO. PC-23-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION OF A REZONING, SPECIAL USE AND PLAT OF SUBDIVISION FOR AN AUTOMOBILE DEALERSHIP AT 317-329 OGDEN AVENUE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE AND PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ENGINEERING PLANS PREPARED BY INTECH CONSULTANTS, INC. DATED JUNE 8, 2007, LAST REVISED JULY 9, 2007; THE AUTO-TURN EXHIBIT PREPARED BY INTECH CONSULTANTS, INC. DATED JULY 9, 2007 AND LANDSCAPE PLANS PREPARED BY LIKES LANDSCAPING, INC. EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE LANDSCAPE PLAN SHALL BE MODIFIED TO INCLUDE:**
 - a. SOUTH OF THE FLORENCE AVENUE CURB CUT A SOLID 4 FOOT TALL HEDGE, IN ADDITION TO THE PROPOSED TREES, SHALL BE PROVIDED TO SCREEN THE PARKING AREA FROM THE RESIDENTIAL NEIGHBORS PER SECTION 28.1406(B) OF THE ZONING ORDINANCE.**
 - b. AN EIGHT FOOT TALL SOLID DESIGN FENCE SHALL BE INSTALLED ALONG THE PROPERTY LINES ADJACENT TO 4309 FAIRVIEW AVENUE AND 4322 FLORENCE AVENUE PER SECTION 28.607(D) OF THE ZONING ORDINANCE.**
 - c. THE LOCATION OF ANY PROPOSED MONUMENT SIGNS SHALL BE IDENTIFIED ON THE LANDSCAPE PLAN.**
- 3. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS, A PHOTOMETRIC PLAN SHALL BE PROVIDED WHICH IDENTIFIES THE LOCATION, HEIGHT, AND STYLE OF LIGHT STANDARDS AND LIGHT INTENSITIES THROUGHOUT THE SITE. THERE SHALL BE 0.0 FOOT CANDLES OF LIGHT AT ALL PROPERTY LINES ADJACENT TO RESIDENTIALLY ZONED PROPERTIES AND ALL LIGHTS SHALL BE DIRECTED AWAY FROM RESIDENTIAL USES.**
- 4. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS, A SIGN PLAN SHALL BE PROVIDED WHICH IDENTIFIES THE LOCATION OF ALL PROPOSED SIGNS, INCLUDING MONUMENT AND WALL SIGNS. THE PROPOSED SIGN PLAN SHALL MEET THE REQUIREMENTS OF THE VILLAGE’S SIGN ORDINANCE.**
- 5. THE HOURS OF OPERATION SHALL BE LIMITED TO 9 AM TO 8 PM MONDAY THROUGH SATURDAY.**
- 6. NO OUTDOOR SPEAKER SYSTEM SHALL BE ALLOWED ON THE SITE. THE EXISTING OUTDOOR SPEAKER SYSTEM SHALL BE DISCONTINUED AND REMOVED.**
- 7. TEST DRIVES ARE PROHIBITED FROM OCCURRING ON FLORENCE AVENUE SOUTH OF THE PROPOSED CURB CUT. A TEST-DRIVE PLAN**

SHALL BE SUBMITTED TO THE VILLAGE PRIOR TO ANY CONSTRUCTION PERMITS BEING ISSUED. IF A TEST-DRIVE PLAN IS NOT SUBMITTED, TEST DRIVES SHALL EXIT THE SITE VIA THE PUBLIC ALLEY TO FAIRVIEW AVENUE, PROCEED NORTH ALONG FAIRVIEW AVENUE TO OGDEN AVENUE WEST. FROM THAT POINT, THE TEST DRIVE MAY TAKE PLACE ON OGDEN AVENUE AND THE FOLLOWING ROADS NORTH OF OGDEN AVENUE: MAIN STREET, HIGHLAND AVENUE NORTH OF 39TH STREET, BUTTERFIELD ROAD, FINLEY ROAD, AND INTERSTATE 88 AND 355.

8. NO CUSTOMER OR SALE VEHICLE PARKING OR QUEUING OF VEHICLES SHALL BE ALLOWED ON FLORENCE AVENUE.
9. SEMI-TRUCKS ARE PROHIBITED FROM USING FLORENCE AVENUE.
10. ALL LOADING AND UNLOADING OF SALE VEHICLES SHALL OCCUR ON SITE.
11. ALL SALE VEHICLES SHALL BE PARKED IN DEDICATED PARKING STALLS. NO SALE VEHICLES MAY BE PARKED OUTSIDE OF DEDICATED PARKING STALLS.
12. ALL DETAILING, MAINTENANCE AND REPAIR OF VEHICLES SHALL TAKE PLACE WHOLLY WITHIN A BUILDING.
13. ALL EXISTING BUILDING FOUNDATIONS AND RETAINING WALLS WHICH ARE NO LONGER IN USE SHALL BE REMOVED IN THEIR ENTIRETY PRIOR TO THE COMMENCEMENT OF PARKING LOT IMPROVEMENTS.
14. THE TWO EXISTING BUILDINGS (317-321 OGDEN AVENUE AND 327 OGDEN AVENUE) SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF THESE TWO EXISTING BUILDINGS SHALL BE PROTECTED. PROVIDE WORKING DRAWINGS AND CUT SHEETS DURING PERMIT REVIEW.
15. THE TWO EXISTING BUILDINGS (317-321 OGDEN AVENUE AND 327 OGDEN AVENUE) SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF THESE TWO EXISTING BUILDINGS SHALL BE PROTECTED. PROVIDE WORKING DRAWINGS AND CUT SHEETS DURING PERMIT REVIEW.
16. LUXURY MOTOR CARS SHALL PAY THE VILLAGE A FEE IN LIEU FOR THAT PORTION OF A PUBLIC SIDEWALK ALONG OGDEN AVENUE WHICH IS ADJACENT TO THEIR PROPERTY.
17. ALL CONSTRUCTION WITHIN THE OGDEN AVENUE RIGHT-OF-WAY WILL REQUIRE APPROVAL FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT).
18. ALL STORMWATER CODE REQUIREMENTS SHALL BE MET DURING THE PERMIT REVIEW PHASE.
19. AS THE SITE IS GREATER THAN ONE ACRE, A SUBMITTAL TO IEPA IS REQUIRED FOR NPDES PHASE II COMPLIANCE. THE VILLAGE OF DOWNERS GROVE SHALL BE COPIED ON CORRESPONDENCE WITH IEPA REGARDING THE SUBMITTAL FOR NPDES PHASE II COMPLIANCE.
20. PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE THE VILLAGE WITH DOCUMENTATION FROM THE TITLE COMPANY IDENTIFYING WHETHER THE WESTERN 200 FEET OF THE ALLEY HAS BEEN VACATED OR WHETHER IT CURRENTLY IS A PUBLIC ALLEY.

- 21. **PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL SUBMIT A MYLAR COPY OF THE PLAT OF SUBDIVISION FOR SIGNATURE. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, THE PLAT OF SUBDIVISION SHALL BE RECORDED WITH THE DUPAGE COUNTY RECORDER AND THREE (3) RECORDED COPIES OF THE RECORDED PLAT SHALL BE SUBMITTED TO THE VILLAGE.**
- 22. **THE PETITIONER SHALL INSTALL A SIGN RESTRICTING SOUTHBOUND MOVEMENTS FROM THE SUBJECT PROPERTY TO FLORENCE AVENUE. IF THE PETITIONER HABITUALLY FAILS TO COMPLY WITH CONDITIONS 7-9 ABOVE AT ANY TIME TWENTY-FOUR (24) MONTHS AFTER THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, THE PETITIONER SHALL RE-CONSTRUCT THE FLORENCE AVENUE ACCESS TO PHYSICALLY RESTRICT SOUTHBOUND MOVEMENTS FROM THE SUBJECT PROPERTY TO FLORENCE AVENUE.**

SECONDED BY MRS. HAMERNIK. ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 9-0

MRS. HAMERNIK MOVED TO ADJOURN THE MEETING. MR. COZZO SECONDED THE MOTION. THE MEETING ADJOURNED AT 10:13 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, SEPTEMBER 10, 2007, 7:00 P.M.

Chairman Pro Tem Waechtler called the September 10, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler

ABSENT: Mrs. Hamernik, Mr. Webster, Chairman Jirik

STAFF PRESENT: Senior Village Planner, Jeff O'Brien; Village Planners Mr. Stan Popovich, and Mr. Damir Latinovic; Village Attorney Beth Clark; Development Engineer John Hall

VISITORS: Lu Branda, 5300 Walnut 20C, Downers Grove; Chris Tseunis, 5300 Walnut 11D, Downers Grove; Dolores Porter, 5300 Walnut 14C, Downers Grove; Emily Rakas, 5300 Walnut 6C, Downers Grove; Barbara McHellan (SP?), 5300 Walnut 13D, Downers Grove; Lorraine Tresnak, 5300 Walnut 14D, Downers Grove; Rachel Toberman 5300 Walnut 16E, Downers Grove; Charlotte Davidge, 5300 Walnut 19C, Downers Grove; Marilyn Hannapel, 5300 Walnut 11C, Downers Grove; Helen Kuta, 5300 Walnut 5C, Downers Grove; Shirley Weiss, 5300 Walnut 23C, Downers Grove; Shirley Remes, 5300 Walnut 24C, Downers Grove; Dorothy & George Daly, 5300 Walnut 12C, Downers Grove; Katherine Oliverio, 4225 Saratoga 301B, Downers Grove; Ross Gray, Condo President, 2900 Maple, Downers Grove; Lucie Berkieh, 2900 Maple, Downers Grove; Paul Simonek, 6250 Leonard, Downers Grove; Steve, Kathy, Nicole & Trisha Harmon, 6275 Janes, Downers Grove; Rick & Maureen Fear, Petitioners, 5155 Cornell, Downers Grove; Eric Wendell, Petitioner, 1121 Warren, Downers Grove; Steve Wendell, Petitioner, 1121 Warren, Downers Grove; Thomas Schultz, 6100 Janes, Downers Grove; Robert Craig Bowlin, 6251 Leonard, Downers Grove; Joseph Brdlik, 6111 Leonard, Downers Grove; Jason Siever, 6251 Leonard, Downers Grove; Tom & Diane Kowalski, 6200 Janes, Downers Grove; Helen Nothdurft, 2449 Hobson Rd., Downers Grove; Fernando Lagunas, 2S10 W. 63rd, Downers Grove; LeeAnn Gutzwiler, 6255 Leonard, Downers Grove; LeeAnn Clary, 6200 Leonard, Downers Grove; Raymond J. Bagdonas, 6036 Leonard, Downers Grove; Joseph & Mary Kay Rauen, 6260 Janes, Downers Grove; Rudolph & Jeanne Boehm, 6065 Chase, Downers Grove; Jim Callahan, 6100 Puffer, Downers Grove; Robert B. & Barbara Jane Messler, 6245 Leonard, Downers Grove; Joseph Pappalardo, 6261 Fairmount, Downers Grove; Shirley Sennebogen, 6227 Chase, Downers Grove; Mary Ann & Leonard Atkins 6204 Janes, Downers Grove; Teri & David Heugh, 6261 Janes, Downers Grove; James Miller, 6209 Janes, Downers Grove; Marcelline Ricker, 6120 Woodward, Downers Grove; Bill Lapacek, 6150 Leonard, Downers Grove; Dawn Stella, 6250 Leonard, Downers Grove; Phil Barr, 4605 Puffer, Downers Grove; Phil Clary, 6200 Leonard, Downers Grove; Mark Toman, 1109 61st, Downers Grove; Tom Sisul, 5120 Main, Downers Grove; Annie Jagielski, 6060 Chase, Downers Grove; Jim Russ, Jr., 4915 Main, Downers Grove; Gordon L. Goodman, 5834 Middaugh, Downers Grove; F. Falesch, 820 Prairie, Downers Grove; Andy Clark, 1226 62nd, Downers Grove;

Marshall Schmitt, 4923 Seeley, Downers Grove; Richard W. Mueller, Petitioner, 1410 Concord Dr., Downers Grove; Nathan Bryant, Petitioner, Bradford Real Estate; John Schoditsch, Petitioner, Bradford Real Estate, 10 S. Wacker Dr., Chicago; Mike Ford, Petitioner, Mill Creek Development, 8104 W. 119th St., Palos Park; Laura Shafer, Petitioner, V3 Companies Ltd., 7325 Janes, Woodridge; Matthew Champine, Petitioner, V3 Companies Ltd, 7325 Janes, Woodridge; Matt Wisz, Petitioner, Interplan Midwest, 1S280 Summit Ave., Oak Brook Terrace; Katrina McGuire, Petitioner, Schain, Burney, Ross & Citron, 222 N. LaSalle St., #1910, Chicago; Mtlope Witfield, Petitioner, Schain, Burney, Ross & Citron, 222 N. LaSalle St., #1910, Chicago; Eric Styer, Soos & Associates, Inc. 105 Schelster Rd., Lincolnshire; Michael Achim, Petitioner, Starbucks Coffee Co., 550 W. Washington St., Chicago; Scott L. Sanders, Sanders Design Group, 333 E. State St., Rockford; Lua Abodna, KLOA, Inc., 9575 W. Higgins Rd., Rosemont; James Neils, 6237 Chase; Kathleen Harmon, 6275 James Avenue, Downers Grove, Patricia McGrath, 6000 Janes, Downers Grove,

Chairman Pro Tem Waechtler led the audience in the reciting of the Pledge of Allegiance.

Minutes of the August 6, 2007 meeting were approved on motion by Mr. Matejczyk, seconded by Mrs. Rabatah. Motion carried by voice vote of 6-0.

Minutes of the August 20, 2007 meeting were approved on motion by Mr. Beggs, seconded by Mr. Cozzo. Motion carried by voice vote of 6-0.

Chairman Pro Tem Waechtler explained the protocol for the meeting and explained the final two items on the agenda would be switched.

FILE NO. PC-26-07 A petition seeking: 1) Rezoning from R-1, Single Family Residential to B-2, General Retail Business; 2) Special Use Drive-Through Uses; 3) Special Use Outdoor Café; 4) Variations; 5) Final Planned Development Approval; 6) Final Plat of Subdivision Approval; 7) Text amendment of Section 28.405 Minimum Areas for Zoning Districts for properties located at the Northeast Corner of 63rd Street & Janes Avenue, commonly known as 2440 63rd Street and 6295 Janes Avenue, Downers Grove, IL (PIN's 08-13-414-019,-020,0021,-022,-023; Bradford 63rd LLC/State Bank of Countryside T/U/T 11-25-02 #02-2469, Petitioner; Mark T. Newey, Owner

Chairman Pro Tem Waechtler swore in those individuals who would be speaking on File No. PC-26-07.

Mr. O'Brien, Senior Planner for the Village of Downers Grove, discussed the site is located at the northwest corner of Leonard Avenue and 63rd Street and is a proposal for redevelopment of two (2) single-family properties. A public, unimproved alley runs north of the site. The proposal will include the subdivision for two new commercial lots for a Chase Bank on the eastern lot and a Starbucks on the western lot. Details of the site layout followed. The petitioner will improve the Village's alley with paving and curb. A widening of Leonard Avenue is also proposed at the intersection with 63rd Street for a right turn lane. Per the Village's Subdivision Code, staff is requesting a fee in lieu of sidewalk for Leonard Avenue. Additionally, stormwater detention will be contained in an underground system. A number of variations are being requested and include a parking setback of less than 25 feet along 63rd Street and along Leonard Avenue; a reduction in the

front yard setback from 25 feet to 15 feet for the building and the drive aisle along the western side; and a rear yard setback for the buildings. The petitioner is requesting to have parking in front of the building and away from the residents. There are 45 parking spaces proposed; 32 parking spaces are required. The stacking plan for the bank and Starbucks followed. A shared parking agreement between the two entities will be necessary.

Details of the widening of Leonard Avenue followed. Staff believes the rezoning is appropriate for the area since there are several current uses along 63rd Street where commercial uses are adjacent to residential uses. Due to the commercial uses to the south and east, staff recommended approval.

Commissioner questions and comments followed. Per Mr. O'Brien, long term, the Village plans to have residential use (6 to 11 units per acre) from the area of Walgreens at 63rd and Belmont, but given the traffic volumes on 63rd Street and the development across 63rd Street, staff expected higher density residential or commercial uses would be more appropriate. Current zoning from the western-most point of Downers Grove to the Auto Zone was zoned R-1 use, including the Walgreens site. Staff stated the current sites were being used for single family uses.

Mr. Nathan Bryant Petitioner with Bradford Real Estate, thanked staff for their assistance on the project. He introduced Mr. Mike Achim with Starbucks and Mr. Ken Coleander with Chase Bank. Mr. Bryant's office focuses on commercial development and the redevelopment of space. Mr. Bryant stated he sees the area as a transitional area from residential to commercial. To date, he explained the plan changed in that traffic from the site would exit to Leonard Avenue rather than Janes Avenue since a signal existed there, and staff supported it. As a suggestion from staff, as traffic moves onto Leonard Avenue, a proposed right turn lane will be created in order to relieve traffic. Mr. Bryant explained the architecture was a combination of input from staff, Starbucks, and Chase Bank. A dense landscaping buffer was designed around the site and approximately 19% of the site is dedicated to green space.

Mr. Eric Styer, Soos & Associates, 105 Schelter Rd., Lincolnshire, discussed the architecture for the Starbucks building but noted he was requesting two Special Uses, one for the café and one for the drive-through. Architectural details of the masonry building followed, noting the building was only 18 feet in height, and mechanicals would be screened. Material samples were presented for viewing by the Commission.

Mr. Matt Wisz, with Interplan Midwest, 1S280 Summit Avenue, Oak Brook Terrace, explained the architectural details for Chase Bank noting some of the details played off the Starbucks building. Sample boards were made available to view.

Mr. Bryant discussed the details and configurations of the two entrance points to the site.

Mr. Lua Abodna with KLOA, Inc. 9757 W. Higgins, Rosemont, traffic consultant, discussed the traveling options for the traffic to enter the site. He explained the importance of the 63rd street entrance was to capture the morning traffic heading westbound. Eastbound traffic on 63rd could choose to use the left-turn lane or the light to head up Leonard. Asked if there was any consideration to create a left-hand restriction to the full access drive off Leonard, Mr. Abodna stated it was not considered, but it would restrict access for the neighborhood. Asked if there was any comparison between the traffic turning into the bank at Belmont on 63rd, he explained they did not compare traffic for that facility. Asked if a comparison for traffic moving east and west at this site

or a comparison of traffic moving east and west on Ogden at Saratoga was done, Mr. Abodna said he did not have the data. Concern was raised about stacking on Leonard at 63rd Street where it could block the intersection, wherein Mr. Abodna stated the intersection was reviewed, noting that peaks for the two facilities were different which balanced the site. He did not see any concern, noting the right turn lane was added to address that concern.

Asked about traffic signage within the site, Mr. Abodna stated that appropriate signage would be installed on the site to direct traffic. As to an estimate of the patrons coming from the Tollway versus the neighborhood or traffic from other areas, Mr. Abodna believed that the majority of traffic would be from 63rd and from the morning westbound traffic heading toward the Tollway. However, the traffic study did not specifically compare the number of trips from the neighborhood versus the number of trips from 63rd Street to the site.

Per a question, Mr. Bryant said Bradley Real Estate would design the block retaining wall.

As to improving the north alley, Mr. O'Brien stated the alley north of the site would include paving and curb on one-half, while the other half would be landscaped.

Regarding the Starbucks' drive-up window, Mr. Michael Achim, for Starbucks Coffee Co., 550 W. Washington Street, Chicago, pointed out the layout of the drive-through window and the microphone system planned for the facility, noting the menu board has a microphone and visual confirmation board, which reduces the amount of chatter between the patron and employee. Mr. Achim also added the layers of landscaping and fencing should help reduce noise, but he did want to work with the neighbors. Mr. Achim understood that stacking in the drive-through could become a concern, but explained if it became too much, patrons would either go inside or travel somewhere else. He discussed the success of Starbucks shops with drive-throughs. Mr. Achim stated the Starbucks facilities are open from 5:00 a.m. to 10:00 p.m. depending on their location. He understood that the lighting to the north would be shielded from the residents and would be provided by the developer.

Mr. Nathan Bryant, with Bradford Real Estate, explained the lighting would include 20-foot pole heights with cut-off fixtures at the property lines. However, he explained the issue was to try to serve the use appropriately and to provide security. A review of the landscaping plans for the north side of the property followed. The location of the eight-foot fence was noted on the site plan.

Mrs. Rabatah expressed concern about constructing the fence and running into tree root structures.

Chairman Pro Tem Waechtler opened up the meeting to public comment.

Mr. James Neils, 6237 Chase, asked whether there was a review of the number of accidents at 63rd and Leonard. He questioned whether staff spoke about it to the Parking and Traffic Commission. He expressed concern about rezoning the area. Mr. Neils stated in 2007 ten accidents occurred in the Chase and Puffer area. He wanted to address safety concerns before the development was constructed.

Ms. Kathleen Harmon, 6275 James Avenue, Downers Grove, distributed a petition from a majority of the residents from the "Hobson Triangle" as well as a number of photographs. She reviewed photographs of her property, photos of the Meadowbrook Shopping Center, and photos of the three

new residences. She also provided a list of the accidents and violations within the last 18 months in her area between Belmont to Janes. Her home will be adjacent to the proposal. She believes the proposal will negatively impact the property value of her home, and she will have no privacy. She voiced concern about the safety of her children when vehicles turn around in her driveway. Other concerns included more traffic in the area, more accidents and more air and noise pollution on the other side of her property. If approved, she said the Hobson Triangle residents would be affected by violations of Section 28.1702. For staff to state the proposal was the best zoning for the site she said there would have been no requests for variance setbacks or a text amendment. In addition, if staff's report stated that single-family use should be discouraged then why was the area zoned residential initially. Lastly, she stated if the Village was seeking an additional tax base, it should have considered speaking to the owner of the Meadowbrook Shopping Center.

Mr. Paul Simon, a resident who resides adjacent to the proposal, distributed a letter to the Commissioners from his neighbor who has resided in the area for the past 40 years. Mr. Simon stated he had concerns about using the public alley for private use. He also had concerns about an eight-foot fence in the rear of his backyard. He had concerns of air and noise pollution, litter, water run-off from the site and the Village conducting its own traffic study. He had concerns about no plans depicting a sidewalk on Leonard Avenue, nor that the access drive on Leonard was relocated further south to minimize the impact on the neighborhood since it was not depicted in any of the plans.

Ms. LeeAnn Clary, 6200 Leonard stated she would like to speak on behalf of her neighbor LeeAnn Gutzwiler, 6255 Leonard, who resides directly across the street of the proposal. Ms. Gutzwiler had concerns about lighting since the proposal would face her bedroom. She also understood that the pine trees would be removed to widen Leonard Avenue. Ms. Clary expressed her belief that not much consideration was given to traffic on Leonard Avenue and believed cut-through traffic would occur. She asked if some stop signs could be installed to deter traffic from traveling on Leonard.

Mr. Leonard Atkins, 6204 Janes Street, had concern that the meeting was a formality since the Village already met with the developers. He noted in staff's report that "rezoning is appropriate based on uses across the street." He noted that zoning across the street did not back up to residential uses, such as the proposal. He questioned staff's language in the report and further read part of staff's report as it pertains to the rezoning of the property. He believed the commercial use being compared across the street was not a fair comparison to the proposal, and he questioned the variations being requested and the definition of "spot zoning". He walked through staff's recommendations and found fault with a number of items as it relates to property values, sidewalks, and setback changes. He reminded the Commission that the residents of Hobson Triangle were annexed into Downers Grove as a residential neighborhood. He questioned the benefits of the developer coming into the site and whether tax benefits were being offered to the developer. He reminded the Commission to act on behalf of the residents since they were not accustomed to the zoning terms.

Mr. Robert Craig Bowlin, 6251 Leonard Avenue, pointed out his home and his neighbors' homes on the overhead projector. He stated no one addressed the loss of 25 trees on the site. He too was concerned about air pollution from the vehicles, drainage, the topography of the site and additional traffic from the site.

Mr. Raymond Bagdonas, 6036 Leonard Avenue, voiced concerns about traffic cut-through during the rush hours and ask why the egresses had to be off Janes or Leonard Avenues, since most were off 63rd Street. He noted staff said that future zoning was going from R-1 to B-2. He did not see a trend from R-1 to B-2 near the Walgreens.

Ms. Barbara Messler, 6245 Leonard, discussed the narrow characteristic of Leonard Avenue in general. If the proposal did pass, she asked that the egress from the area onto Leonard prohibit a northbound turn since cut-through traffic was a significant problem in the neighborhood.

Mr. David Heugh, 6261 Janes, recently moved into the area about five months ago and was completely surprised that a commercial use was coming. He was already picking up trash and had concerns about traffic cut-through and too much commercial property not being used. He asked the Commission not to support the proposal.

Ms. Pat McGrath, 6000 Janes, stated it would make more sense to bring in the proposal to an existing mall two blocks away without having to rezone. She believed the proposal would be a nice addition. She believed that eastbound traffic, especially high schoolers, would be traveling to Starbucks in the morning and possibly causing more traffic accidents. She resides three blocks east of Interstate 355 and stated houses, landscaping, etc. do not block the noise from the interstate, and she did not believe the landscaping and fence would buffer the noise for these residents. She had concerns about the fencing being installed near tree roots. She supported that the entrances be off 63rd Street and not the side streets.

Mr. Fernando Lagunas, 2510 W. 63rd Street, stated his concern was traffic and the difficulty of getting in and out of his driveway. He expressed concerns about more noise and traffic and eventually changing his property to a commercial use.

Mr. Jason Siever, 6251 Leonard was sworn in. Mr. Siever stated his concerns involved property value when the proposal develops and the widening of Leonard Avenue since he has three vehicles.

Mr. Tom Sisul, 5120 Main Street, stated he does not reside in the area but believes the developer is a fine developer. Mr. Sisul stated he was surprised the proposal was moving forward, noting the area was strongly residential and akin to 63rd Street and Fairview Avenue.

Mr. Tom Kowalski, 6200 Janes Avenue, stated he agreed with the objections already stated and concurred cut-through traffic was an issue. Eastbound traffic appeared to be making U-turns to enter northbound I-355. He also had concerns about noise and the rezoning to commercial. He did not support the proposal.

Mr. Jim Neils, 6237 Chase Avenue, believed the proposal was inconsistent with the Village's Strategic Plan, and he suggested the Commission speak with the Parking and Traffic Commission and the County. He believed detention was a concern. He noted the Commission was a recommending body, and the residents could again speak before the Village Council.

Ms. Kathleen Harmon stated she was against the proposal since it would affect her property value.

Mr. Matejczyk referenced a picture with three new houses and asked for clarification of the site.

There being no further public comment, Chairman Pro Tem Waechtler closed public comment.

Chairman Pro Tem Waechtler stated the petitioner may cross-examine any member of the public. Mr. Bryant responded he would address that in his closing statement and offered to answer Commissioner questions instead.

Mr. Beggs inquired of the petitioner why the stop light at Leonard was originally installed, wherein the petitioner did not know. Mr. O'Brien stated 63rd Street was a County road, and the Village had no control over the 63rd access. As to why the access was not on 63rd Street, Mr. Bryant explained based on his conversations with the County, it was a condition that no direct access be granted for a commercial development onto 63rd Street. Instead, direct access to Leonard Avenue was a safer condition.

Mr. Bryant discussed stormwater detention for the site, noting the property was lower, and the overland flow would be accepted and captured with the proposed stormwater system. He would work with the residents to address any outstanding issues. In closing, Mr. Bryant stated he was also a resident to an adjacent commercial property and understood change, but also believed the use being proposed was appropriate for the 63rd Corridor and was a connection to the Tollway, which was why the Chase Bank and Starbucks proposal was before the Commission. He agreed the site was a transitional site. He discussed the buffering and lighting that was to take place, the fact that he attempted to work with the residents to the north that were not willing to meet with him, and he discussed the improvements being made to Leonard Avenue to support the 63rd Corridor and the improved detention. Regarding the ability for traffic to exit onto Leonard Avenue, Mr. Bryant stated the driveway as designed was an integral part of the development and would hope that the neighbors become Starbucks customers and bank at Chase Bank. He did not want to prohibit their ability to safely egress the site to their homes. He asked for consideration and support for the project.

Mr. O'Brien, Village Planner, added that one item not addressed was the petitioner's request for a text amendment. At staff's direction, the text amendment was to specifically allow the Village to include the minimum district size in the Zoning Ordinance for two acres. While the Zoning Ordinance states if that particular zoning district is adjacent to a less restrictive zoning district, the additional area may be counted towards the overall district size. However, the Zoning Ordinance was not clear whether it included zoning districts in neighboring jurisdictions. Staff looked at this matter with the petitioner and determined that, as with the past, the Village did use neighboring jurisdictions' zoning to calculate a new zoning district's boundaries. Mr. O'Brien clarified staff was not recommending approval of the petitioner's text amendment since the Village's Zoning Ordinance already covered the matter.

Continuing, Mr. O'Brien defined the term "spot zoning." Regarding the sidewalks fee in lieu issue, Mr. O'Brien explained the Village did not study which side of the street on which the sidewalk would be installed. The Village was not offering the petitioner any tax incentives. Other Village departments did review the proposal and included the Public Works Division, the Fire Prevention Division, and Community Development Department. The Village's on-staff traffic engineer did review the traffic study and recommended adding the extra right-turn lane onto Leonard Avenue.

Asked where else in the Village was there a development which included both egresses into a residential neighborhood, Mr. Beggs stated the Family Shelter Services, located on Old Main Street

between Lemont Road just north of 75th Street. Mr. O'Brien stated the hospital was another example.

Mr. Matejczyk, while he favored the proposal, had issues with rezoning the area between Janes and Leonard as well as only considering that portion of the side of the 63rd Street. The new homes that were recently constructed were another concern. He believed the entire north side of 63rd Street should be considered. He had concerns about rezoning the area as commercial since the lots were shallow. He preferred the north side of 63rd Street be considered, and if rezoned, to see it considered as high-density residential versus commercial.

Mr. Cozzo also preferred the design of the buildings, but he had trouble supporting the proposal when three sides of the surrounding properties were residential. He did not see a trend to commercial and, therefore, he would not support the proposal.

Mrs. Rabatah agreed the development was nice, but pointed out that only two locations were identified in the Village that exited out to a residential area. She did not believe the proposal met the standards for approval for a development and would not support it.

Mr. Quirk stated that while he liked the design, the lot depth was not appropriate for the development. The number of traffic accidents was another concern and adding such a development would only add to it. He would not support the proposal.

Mr. Beggs discussed some of the history of previous commercial developments which were approved that led into residential neighborhoods, noting that developments intruding into neighborhoods were a difficult argument to sustain when a street was in transition. There were areas up and down a street that reflected abutment to residential areas. However, his concern was traffic accidents in the immediate area of the proposal. He stated he drove through the neighborhood recently and was impressed by its residential aspect. However, he was opposed to establishing a business development at the proposed location.

Chairman Pro Tem Waechtler shared many of the Commissioners' comments and believed the project was a nice development in the wrong location. He addressed the Village's Strategic Plan and pointed out how it addresses the business aspect but also addresses the residents. To zone the area from R1 to B2 based on Woodridge's commercial use across the street was not a good reason to support the proposal. Lastly, he believed the proposal was too tight for the space

Mr. Bryant asked that the matter be tabled due to hearing new traffic information. The Chairman Pro Tem left it up to the Commissioners.

WITH RESPECT TO FILE NO. PC-26-07, COMMISSIONER MATEJCZYK, MADE A MOTION TO FORWARD A NEGATIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSED RE-ZONING, PLANNED DEVELOPMENT WITH VARIATIONS, SPECIAL USES, PLAT OF SUBDIVISION AND TEXT AMENDMENT.

SECONDED BY MR. BEGGS.

ROLL CALL:

**AYE: MR. MATEJCZYK, MR. BEGGS, MR. COZZO, MR. QUIRK, MRS. RABATAH,
MR. WAECHTLER**

NAY: NONE

MOTION CARRIES. VOTE: 6-0

(The Plan Commission took a 10-minute break at 9:45 p.m. and then reconvened at 9:55 p.m.)

Chairman Pro Tem Waechtler announced that the petitioner for File PC. 31-07 would like to defer his petition to the October 1, 2007 Plan Commission meeting. Staff concurred.

FILE NO. PC-31-07 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

**MR. BEGGS MADE A MOTION TO DEFER FILE PC 31-07 TO THE OCTOBER 1, 2007
PLAN COMMISSION MEETING.**

SECONDED BY MR. QUIRK.

ROLL CALL:

**AYE: MR. BEGGS, MR. QUIRK, MR. COZZO, MR. MATEJCZYK, MRS. RABATAH,
MR. WAECHTLER**

NAY: NONE

MOTION APPROVED. VOTE: 6-0

FILE NO. PC-30-07 A petition seeking a Special Use for a Drive-Up Window for property located at the Northeast corner of Ogden & Highland Avenues, commonly known as 950 Ogden Avenue, Downers Grove, IL (PIN'S 09-05-118-022,-023,024); A. W. Wendell & Sons, Inc., Petitioner; Rich & Maureen Fear, Owners

Mr. Popovich, Village Planner, explained the petition is for a Special Use for a drive-through window for a restaurant. The owners would like to split the existing building into two spaces, with the eastern half for a restaurant and the western half for office use. The drive-through is proposed for the eastern side of the building. No speaker system will be used at the drive-through window. Two parking spaces will be removed on the south side and three spaces will be located to the north side of the building. The parking lot will be improved with ten spaces dedicated on the east side of the lot and will be moved off the property line to add some green space. Approximately 13 parking spaces will be included as required by the Zoning Ordinance. Landscape buffering will take place on the north and east sides of the property.

Per staff, the proposal complies with open space requirements of the B-3 zoning district. It also complies with the Future Land Use Map and the Ogden Avenue Master Plan. Regarding signage, Mr. Popovich stated the existing signage was not in compliance and had to be relocated ten feet from all property lines. While parking spaces were being proposed to be installed in the Highland Avenue right-of-way, they had to meet Village's standards as a condition of approval. Those parking spaces would not be counted towards any future use for the building. If the spaces are not installed, the parkway will have to be restored. Staff recommended a photometric plan at the permitting phase. Staff recommended a positive recommendation to the Village council.

Ms. Maureen Fear, Petitioner, 5155 Cornell, Downers Grove, stated she and her husband purchased a Maui Wau franchise, which offers coffees and smoothies, a year ago. After building up their business, they decided to open up a retail store at the proposed location. Improvements to the site include a facade update, reconfiguring the interior, increasing green space, and increasing the overall curb appeal of her building on Ogden Avenue. Hours of the drive-through window will be from 6:30 a.m. to 10:00 p.m. but can be reduced if necessary. Peak times will be the morning commute, mid-afternoon, and after-school rush. No speaker system will be used. She asked for the Commission's support.

Chairman Pro Tem Waechtler opened up the meeting to public comment. No comments received. The Chairman Pro Tem closed the public comment portion of the meeting.

Ms. Fear had no closing comments.

Chairman Pro Tem Waechtler asked for Commissioner comments. Overall, comments were positive that the proposal would be a good improvement for the location. Per a question, Ms. Fear stated a four-foot fence and landscaping were proposed for the east side of the property in order to delineate her property from the adjacent Mr. Trim business. She will improve it with green space. As to a neighborhood comment, Mr. Popovich confirmed he did speak to the neighbor to the north who had concerns about noise and loitering. Mr. Popovich stated the noise would most likely be coming from the restaurant use and not the drive-through window.

WITH RESPECT TO FILE NO. PC-30-07, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION OF THE SPECIAL USE TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE IMPROVEMENTS SHALL SUBSTANTIALLY CONFORM TO THE ARCHITECTURAL AND LANDSCAPE PLANS PREPARED BY A.W. WENDELL & SONS, INC. DATED JULY 26, 2007 AND REVISED ON AUGUST 21, 2007 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE DEVELOPMENT SHALL COMPLY WITH THE VILLAGE'S ENGINEERING, STORMWATER AND WATER ORDINANCES.**
- 3. A PHOTOMETRIC PLAN SHALL BE PROVIDED TO THE VILLAGE PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. ALL PROPOSED LIGHTS SHALL BE DIRECTED AWAY FROM RESIDENTIAL USES.**

4. **THE PARKING SPACES PROVIDED WITHIN THE HIGHLAND AVENUE RIGHT-OF-WAY SHALL NOT BE COUNTED TOWARDS THE PARKING REQUIREMENTS FOR THE PROPERTY AT 950 OGDEN AVENUE.**
5. **THE PROPOSED PARKING SPACES WITHIN THE HIGHLAND AVENUE RIGHT-OF-WAY SHALL CONFORM TO VILLAGE DESIGN AND CONSTRUCTION STANDARDS AND SPECIFICATIONS. IF THESE PARKING SPACES ARE NOT CONSTRUCTED, THE PETITIONER SHALL RESTORE THE PARKWAY WITH TURF AND THE INSTALLATION OF A CURB WHICH MEETS VILLAGE STANDARDS.**
6. **THE PETITIONER SHALL EITHER RELOCATE THE EXISTING SIGN TO BE COMPLIANT WITH SIGN ORDINANCE SETBACK REQUIREMENTS OR SHALL INSTALL A NEW SIGN WHICH IS IN COMPLETE COMPLIANCE WITH THE SIGN ORDINANCE.**
7. **THE PROPOSED OFFICE SPACE MAY NOT BE USED FOR MEDICAL OR DENTAL OFFICES.**
8. **THE BUILDING SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
9. **THE BUILDING SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
10. **A FIRE DEPARTMENT CONNECTION SHALL BE PROVIDED ON THE EXTERIOR OF THE BUILDING.**

SECONDED BY MR. COZZO.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

FILE NO. PC-33-07 A petition seeking an Amendment to a Special Use for the addition of two Garages, Gazebo and Pavilion for property located on the West side of Saratoga Avenue, 800 feet North of 41st Street, commonly known as 4000 Saratoga Avenue, Downers Grove, IL (PIN'S 09-06-215-005,-006); Alexander Bradley Burns American Legion Post No. 80, Petitioner/Owner

Mr. Damir Latinovic, Village Planner, explained the request is for a 10.8-acre property located on the east side of Saratoga Avenue just north of 41st Street. The property is zoned R-1 Single Family

Residence District and is surrounded by open space on the north, west and south sides. Multi family residences are located east of the site. The property currently has a 10,666 sq. foot office building with meeting and banquet halls. A surface parking lot occupies northern portion of the property with 135 parking spaces. American Legion Post 80 and the DuPage County Traffic Court occupy the existing building. As a permitted Special Use, any changes to the property require Plan Commission review and Village Council approval.

Per staff, the petitioner is proposing to construct two new 28 foot by 22 foot garages (adjacent to the parking lot), an open-air pavilion (30 x 60 feet to replace an existing shed), and a new 192 square foot gazebo to the south of the existing building. The petitioner is also proposing to install a dirt trail throughout the property for recreational purposes and to provide access to the gazebo. The existing building and parking lot would remain the same. With the addition of the structures on the lot, the proposed lot coverage of all buildings would be 13,845 square feet, or 0.028 percent of the site, well within the maximum permitted 0.6 percent. All structures meet or exceed required setbacks. The open-air pavilion, which is located 40 feet from the existing building, is the closest structure to the principal building, well over the minimum required ten feet. The existing chain link fence and landscaping located along all property lines will remain unchanged.

The property is privately held but functions as an open space for recreational use. The American Legion plans to rent out the space for private parties. Staff believes the addition is consistent with the intent of the Future Land Use Map and other Village planning documents. The existing uses are permitted Special Uses, and the proposed changes to the site will meet or exceed all zoning bulk requirements. No on-site detention facilities will be required on the site, but the property will have to meet the Stormwater Management Ordinance and will need to include a cost estimate from an engineer prior to building permit issuance. No neighborhood comments have been received.

Petitioner, Mr. Richard Mueller, 1410 Concord Drive, Downers Grove, as Post Commander of the American Legion, summarized the American Legion would like to enhance the appearance and attractiveness of Memorial Park. The existing 60 year-old red shed will be removed and replaced with two new garages to house maintenance equipment and an old fire truck. The outdoor picnic pavilion will be used for special events and alleviate the need for outdoor tents. The gazebo will be added for attractiveness for the community. The path will be enhanced throughout the park. Mr. Mueller thanked Village staff and the Commissioners for their assistance.

Chairman Pro Tem Waechtler opened up the meeting to public comment. No comments followed. Public comment was closed.

Mr. Mueller did not have a closing statement, and the Commissioners had no questions on the proposal.

WITH RESPECT TO FILE PC-33-07, MR. COZZO MADE MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO CONDITIONS 1 THROUGH 3 OF STAFF'S REPORT:

- 1. THE IMPROVEMENTS SHALL SUBSTANTIALLY CONFORM TO THE SITE PLAN PREPARED BY JFP, DATED JULY 14 2007, ARCHITECTURAL PLANS PREPARED BY REGENCY GARAGES AND MANUFACTURER'S SPECIFICATIONS FOR THE GAZEBO AND THE PAVILION INCLUDED WITH**

THE STAFF REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

- 2. THE APPLICANT SHALL PROVIDE A COST ESTIMATE FOR THE COST TO CONSTRUCT THE PROPOSED IMPROVEMENTS PRIOR TO ISSUANCE OF THE BUILDING PERMIT. THE COST ESTIMATE SHALL BE PREPARED BY A REGISTERED PROFESSIONAL ENGINEER PER VODG 26.77.**
- 3. ALL NECESSARY CONSTRUCTION PERMITS SHALL BE OBTAINED BY THE PETITIONER PRIOR TO ANY SITE DEVELOPMENT ACTIVITIES.**

SECONDED BY MR. QUIRK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

FILE NO. PC-32-07 A petition seeking an Amendment to Chapter 28 of the Municipal Code-Zoning Ordinance, Article 28.201 Definition of “Recycling Collection Facility”; Village of Downers Grove, Petitioner

Mr. O’Brien explained that in May 2007 the Commission looked at setback modifications for recycling collection facilities. After the Village Council reviewed the matter, a 90-day moratorium for recycling collection facilities was initiated on July 18, 2007 in order to further research the issue. Concerns were specifically related to the definition and regulations for the uses. Since then, the revision specifically addresses better clarification of the definition as it relates to the materials that can be picked up (as defined in the State’s code) as well as clarification of waste transfer stations, which were not included as recycling collection facilities. No changes to the previous setback regulations are being proposed at this time. Staff believed the language better clarified the Ordinance and recommended that the Plan Commission forward a positive recommendation to the Village Council.

Per Mr. Beggs’ question, Mr. O’Brien explained the definition of a waste transfer station. As to sorting demolition debris, Mr. O’Brien explained sorting did not affect the processing. Mr. O’Brien explained the terms “articles or materials” were basically better clarified in the text amendment. Staff believes the current definition permits a clean construction and demolition facility and the language does and will continue to permit that use. Should the Plan Commission or Village Council want to change what it considers a recycling collection facility, then it would be up to the Plan Commission and Village Council to make that determination. Examples followed on what would or would not fall under the definition and what a donation was. Asked whether it was safe to incorporate another statute by reference, Mr. O’Brien stated it was done in other areas of the Ordinance.

Chairman Pro Tem Waechtler opened up the meeting to Public Comment.

Mr. Mark Toman, 1109 61st Street, Downers Grove, attended the May 2007 Plan Commission meeting where this matter was brought up. He stated the definition impacts the process of the Ordinance. He provided some slides as they relate to the definition and recycling collection facilities. Mr. Toman discussed while the new definition broadens the original definition so it is easily understood; it “clouds and confuses” the definition by providing vagueness and lack of singular clarity. Currently, anything could be classified as a recycling collection facility. It also added in a vague reference to a transfer station, as defined elsewhere outside the Village’s Municipal Code, which gave the impression it was a State law. Mr. Toman referenced the State’s current definition. Mr. Toman stated through his research no other Village or City in Illinois combined the definition of recycling collection facilities and facilities that accept construction and demolition debris because they were two separate items.

Mr. Toman continued by explaining that 415 ILCS 5/3 provides distinct definitions for each type of facility. He believed this Code would provide the clarity. He recommended that the Village use the State and Federal Code in order to provide better clarification for the Plan Commission. Mr. Toman explained that 415 ILCS 5/3 was better than staff’s proposed amendment because it contained a specific statement that mandates separate requirements and it tests for requirements in the Ordinance. Details followed.

Mr. Beggs inquired as to where staff’s definition violated State law, wherein Mr. Toman explained that it did not necessarily violate State law, but it set up potential legal issues. He explained recycling collection centers have no distance requirement, whereas construction and demolition process facilities have a quarter mile separation requirement. In essence, staff was combining two different items and calling them the same thing. The concern was how the definition would be implemented. Additionally, if such a facility was called a recycling collection facility, and, if the definition was approved and forwarded to the Village Council, the construction and demolition facility which accepts that type of material could claim to be exempt from the State law that requires the separation. Mr. Toman explained one of the best examples was the Village of West Chicago. He recommended the Plan Commission forward a negative recommendation to the Village Council.

As an aside, Mr. O’Brien, noted as part of the moratorium more research was being done by staff. The Environmental Concerns Commission was also looking at the matter to discuss the impact of these types of facilities on Village residents.

Ms. Lorraine Tresnak, 5300 Walnut, Downers Grove, was concerned about the Special Use being allowed to be placed in close proximity to her condominium complex. She expressed concern that the debris from construction and demolition facilities would be emitted into the air and affect owners of her building. She stated transfer stations were more akin to heavy industrial use. She asked that the Plan Commission consider those that are in the community as well as property values. She believed there was a specific need for this topic to be raised.

Mr. Tom Sisul, 5120 Main St., Downers Grove, expressed concern that the issue was whether the facility belonged in the area or not, and it depended upon the environmental impacts from the various types of materials. He was also concerned about staff’s proposed definition and believed better clarity was necessary. He had concerns about the nearby residents.

Mr. Beggs inquired of Mr. Sisul if the Special Use conditions applied to one type of facility or another, noting that such Special Use standards were applied all the time with surrounding environments being considered for each proposal. Mr. Sisul believed this matter was entirely different.

Mr. Frank Falesch, 820 Prairie Avenue, Downers Grove, stated the existing law was generic and asked if it could not be more specific to the recycling facility, citing the laws of the Illinois EPA.

Mr. O'Brien stated the setback amendment was still pending in front of the Village Council.

In reviewing Mr. Tomah's handout, Chairman Pro Tem Waechtler saw similarities between the State's definition and staff's proposed definition.

Mr. Toman stated the definition he proposed only dealt with a recycling collection center and defined only a recycling collection facility. There was no mention of any other type of facility.

Chairman Pro Tem Waechtler closed Public Comment.

Ms. Beth Clark, Village Attorney, stated the purpose of the definition was to better clarify the definition. This matter paid attention to zoning. It was under the Village's authority to include a broad definition of recycling collection facility under its zoning authority, to say where those facilities could go and whether or not they required a Special Use permit.

Given the response from the Village attorney, Mrs. Rabatah stated she was comfortable with staff's definition.

WITH RESPECT TO FILE NO. PC-32-07, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE AMENDMENTS TO SECTIONS 28.201 RELATIVE TO THE DEFINITION OF RECYCLING COLLECTION FACILITIES ASSOCIATED WITH PC 32-07.

SECONDED BY MR. BEGGS.

ROLL CALL:

**AYE: MRS. RABATAH, MR. BEGGS, MR. COZZO, MR. MATEJCZYK, MR. QUIRK
MR. WAECHTLER**

NAY: NONE

MOTION CARRIED. VOTE: 6-0

Staff reported the next Plan Commission meetings were scheduled for October 1 and October 22, 2007. Mr. O'Brien thanked the Commission and the public for their patience during the long meeting.

APPROVED 10-01-07

MR. BEGGS MOVED TO ADJOURN THE MEETING. MR. MATEJCZYK SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 11:15 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, OCTOBER 1, 2007, 7:00 P.M.

Chairman Jirik called the October 1, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler

ABSENT: Mr. Webster

STAFF PRESENT: David Fieldman, Deputy Village Manager; Michael Millette, Assistant Public Works Director/Engineering; Jeff O'Brien, Senior Planner; Damir Latinovich, Planner; and Stan Popovich, Planner

VISITORS: James F. Russ, Attorney, 4915 Main Street, Downers Grove Matt Borgard, 4800 Highland Avenue, Downers Grove; Donna Retzlaff, 211 S. Cass Avenue, Westmont; Paul & Therese Brzezinski, 2211 Haddow Avenue, Downers Grove; Mark Toman, 1109 61st Street, Downers Grove; Mary Keppner, 4903 Puffer Road, Downers Grove; John & Cherise Madsen, 4823 Cross Street, Downers Grove; Tonia Yackle, 4520 Drendel Road, Downers Grove; Nancy Johnson, 5S140 Francisco Avenue, Downers Grove; Andrea VanBoren, 6576 Fairview Avenue, Downers Grove; Larry Rosol, 1129 Fairview Avenue, Westmont; Fred Foss, 6579 Davane Lane, Downers Grove; Philip Barr, 4605 Puffer Road, Downers Grove; Kerry & Peggy Richmond, 6575 Davane Lane, Downers Grove; Rob __, Ogden Avenue, Downers Grove; Norman Polcyn, 5913 Dunham Road, Downers Grove; Richard Olson, Fairview Ministries, 210 Village Drive, Downers Grove; Steve Stewart, Fairview Ministries, 210 Village Drive, Downers Grove; John Gray, New Life Management & Development; Gene Guskowski, AG Architecture, 1414 Underwood Avenue, Suite 301, Wauwatosa, WI; Mike Shrake, Gewalt Hamilton, 820 Lakeside Drive, Suite 5, Gurnee; Frank Muraca, ARCH Consultants, 250 Parkway Drive, Suite 166, Lincolnshire, IL; John Martin, Hock Bouma, 1755 S. Naperville Road, Wheaton; Mr. Jason Mitchell, 6572 Fairview Avenue, Dowers Grove

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

Minutes of the September 10, 2007 - An error was noted on the first page to delete "Chairman Pro Tem Waechtler Jirik" and insert "Chairman Pro Tem Waechtler." Minutes were approved with revision on motion by Mr. Waechtler, seconded by Mr. Beggs. Motion carried by voice vote of 8-0.

Chairman Jirik proceeded to explain the protocol for the meeting.

FILE NO. PC-31-07 (Continued from 09-10-07) 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 swore in those individuals who would be speaking on File No. PC-31-07.

Mr. O'Brien, Senior Planner, reminded the Commissioners the petition was a text amendment to the Zoning Ordinance relating to Article 13, specifically Sections 28.1300(b) and 28.1300(c), as it pertains to permitting a residential accessory structure to be constructed on a lot prior to the time of construction in cases where two contiguous lots are held in common ownership. A principal use has to be established before a primary structure is added. In September 2006, he explained the Village amended its Zoning Ordinance to remove the "zoning lot" concept. As a result, the Village was asking residents to reduce any substandard, non-conforming, and adjacent lots with the goal to obtain larger setbacks, lot coverage for better drainage, etc.

Staff did have some outstanding issues with the concept of building accessory structures on lots of record before a principal structure is established. Specifically: 1) allowing accessory structures on a lot without a principal structure. The Village does not want vacant residential lots being used for storage and other accessory uses that can be detrimental to residential neighborhoods when not clearly part of a single family residence; 2) Contiguity, as proposed by the petitioner, is not a well-defined term. There are several instances where property owners hold two or more lots in common ownership where the lots are not side by side. Contiguous properties can be side to side, back to back or corner to corner. In case of the latter two, accessory uses and structures could be farther from the principal residence and closer to the neighbors. These uses could have negative impacts on surrounding neighbors and 3) the concept that accessories would terminate once the principal use or once the two lots have been sold. It is hard to enforce because the Village has no administrative tool to determine when the lots are sold. Therefore, staff was recommending denial of the petition since it would have a detrimental affect on the amendments that were adopted by the Village Council in 2006.

Mr. O'Brien explained what "accessory structures" were, including garages, sheds, swimming pools, and gazebos. He also explained in some instances there may be two primary structures on the lots while the owner is building the new structure and wants to tear down the old structure and, at that point the Village requests that a full letter of credit be posted. Mr. O'Brien stated the issue was new due to the Village removing the zoning lot concept. Going forward, Mr. O'Brien explained any existing accessory structure would be considered legal non-conforming and could remain until it was destroyed beyond 50% of its value. If a resident had such a non-conforming matter, a consolidation plat could be prepared by the resident to eliminate the non-conformity. Chairman Jirik believed the burden would be minor to the resident.

Chairman Jirik invited the petitioner to speak.

Mr. James Russ, Attorney, 4915 Main Street, Downers Grove, representing the Schmitts, who were present, stated the issue came up when his clients were obtaining a permit for their gazebo. In 2004, they purchased the lot to the south of their residence and razed the structure. In 2005, they landscaped that lot. In 2007, the Schmitts sought a permit for a gazebo on the southern lot but were informed of the Zoning Ordinance which would prevent them from receiving a permit for the gazebo. They were told to seek a variation by the Village. However, in speaking with staff,

Mr. Russ stated that the only resolution conveyed to him was to seek a text amendment. Mr. Russ distributed copies of the definition of a “zoning lot” from the 1965 Zoning Ordinance and proceeded to read the definitions from 1974, 2002 and 2004. Given the definitions, Mr. Russ pointed out his clients could have built their gazebo as of right since there was no obligation other than to have a permit for a gazebo.

Mr. Russ discussed the changes to the 2006 amendment and explained he was proposing a text amendment to the language in Sections 28.1300. The language refers back to the same type of language that was in the zoning lot definition. A number of options could have been made to solve the issue. However, he said after speaking with staff and the Village’s legal counsel, it was determined Section 28.1300 was the most reasonable place for the text amendment.

The proposed language was as follows: “Residential Accessory Structure shall be permitted on zoning lots that are contiguous to and under common ownership with the zoning lot of the principal structure or use served. Upon termination of common ownership of several zoning lots, the residential accessory structure must be removed from any zoning lot without a principal structure.”

Mr. Russ reviewed the issues raised in staff’s report: 1) *Accessory structures need a principal structure.* Mr. Russ was in agreement with this issue; 2) *“Contiguity” is not a well-defined term.* He also believed “contiguity” needed to be better defined; 3) *Zoning lots require more Village resources to enforce.* Mr. Russ disagreed and believed this issue fell under the responsibility of the property owner to notify the Village that an accessory structure has been removed or built and the primary structure that now makes the property conform, and to file it with the Recorder of Deeds; 4) *Determining ownership.* Mr. Russ stated the Village had access to PIN numbers; and 5) *One of the purposes for the change in the ordinance is to combine lots and remove substandard lots.* Mr. Russ stated people purchase multiple lots for investment, personal use, etc. and by requiring the consolidation of lots, the regulation amounted to a taking of the property without compensation for the loss in value of a buildable lot.

Mr. Russ discussed the various sizes of the Village’s lots, and the reality was that not all lots in Downers Grove were 75 feet wide. By having the consolidation of lots, Mr. Russ felt it may dissuade people from purchasing properties. Staff’s report states that neighbors have an assumption that the Zoning Ordinance offers protection. Mr. Russ pointed out his client thought the same protection existed in 2004, but the Village changed the protection. Essentially, he would like to return that protection to his client. Mr. Russ believed the Village was mandating consolidation. He stated a lot split could not be created because an exception would be necessary and in the future, if his client wanted to return the lots to their original platted condition, it could not be done. He believed the Village was using the Zoning Ordinance to fulfill the idea of larger lots in the Village.

Mr. Russ asked for a positive recommendation for the text amendment in order for his client to construct a gazebo. Chairman Jirik clarified the text amendment was a “blanket” revision.

Mr. Russ clarified that the subject property was located at 4929 Seeley with two 60-foot wide lots. The earlier letter he was referring to which could be recorded with the Deeds Office was explained as a letter coming from the Village that an accessory structure was on the parcel and specific criteria would have to be included. If ownership or continuity went away, the accessory structure would have to be removed from the property, and the document becomes a lien against the property,

similar to a Special Service Area, and would show up in the title report. He believed it was not a cumbersome process.

Mr. Beggs voiced concern about what other items were included in the definition of a Residential Accessory Structure and what was detrimental to the neighborhood. Mr. O'Brien explained why the term "detrimental" was in the report and provided some examples around the Village that have occurred in the past. Per Mr. Beggs' question, Mr. O'Brien explained the consolidation of the lots was to get the accessory structures behind the home and on the same lot. He noted the Village Council also wanted to have larger lots in the Village as demonstrated through the recent amendments to the zoning ordinance and subdivision ordinance. Mr. O'Brien stated the Village was not mandating to place accessory structures on a vacant lot. In contrast to that comment, Mr. Russ cited a Highland Avenue home with a pool at the front setback line. Mr. Waechter stated the petitioner could solve the issue by consolidating the two lots, but Mr. Russ stated his client's lots were more saleable as two separate lots.

Mr. O'Brien discussed the process an owner would have to follow to consolidate two lots and then to subdivide them in the future. He reiterated the text amendment affected all residents in the Village. Ms. Hamernik asked for Mr. O'Brien's opinion on the recording of a letter with the Deeds Office as suggested Mr. Russ. Mr. O'Brien believed the recording of the letter would require a signoff by the Village and proof would be required that a purchaser for both lots was taking place. If the lots were going to a separate purchaser, the Village would have to grant a permit to tear the accessory structure down but getting that permit becomes cumbersome and enforcement becomes an issue. Per Mr. Quirk's question, staff explained how the Ordinance would affect a house with two overlapping zoning lots.

Chairman Jirik reviewed his understanding of what staff was proposing and suggested consideration for the amendment to be more straight to the point; i.e., any accessory structure would be placed in the rear yard "period" and therefore, it would be very restrictive. Asked what staff thought of the restrictions, Mr. O'Brien stated staff was comfortable with what is currently in the Ordinance.

Chairman Jirik opened up the meeting to public comment. No comments were received. The public comment portion was closed.

Mr. Russ stated he and his client did not have any objections about adding additional restrictions to the amendment, and it was up to the Commission to decide. He believed staff and he were coming from different positions

Discussion followed that many of the older neighborhoods did have small lots, which was the character of the neighborhood and to push for larger lots may or may not be appropriate. Mr. Matejczyk believed it was a large burden on the owners to go for a consolidation simply to add an accessory structure and then after approving that lot they are losing their ability to come before the Commission for a variance. He believed they were losing value in the lot being purchased. He believed better wording may come before the Commission in the future. Mr. Beggs was in favor of the petitioner's text amendment proposal, noting that as long as the accessory structure was going to be removed once the lot was sold, it was good protection for the maintenance of the second lot and the accessory structure would be used by the principal house. Other comments included better clarification of "contiguous" to include "side by side" or "back to back." Chairman Jirik cautioned the Commissioners that the edification of the language would be more broad.

Chairman Jirik stated the current zoning was fine as it was working, but if the Commission was considering backing off a bit, it had to consider certain protections, such as the lien, or clarification of the word “contiguous”, etc. Furthermore, he believed in some cases there had to be some residual incentives for an owner to combine lots, but if there was not going to be a consolidation, then to be more restrictive in the siting to reduce complaints. He opened up those comments to the Commissioners.

Mr. Waechtler expressed concern about opening up the issue further, citing some of the issues he has seen associated with accessory structures sitting adjacent to neighbors and causing issues between neighbors as well as increased enforcement. He agreed with staff’s negative recommendation. Concern was raised by Ms. Hamernik that this was the only place in the Code where zoning lots would only deal with accessory structures and the fact that the definition of “contiguous” would be different and it was adding more work for staff. She particularly referenced corner lots as being complicated. Others agreed the definition of “contiguous” needed better clarification.

Mr. Beggs suggested the following language: “Residential Accessory Structures shall be permitted on zoning lots that are contiguous to and under common ownership with the zoning lot of the principal structure or use served. Contiguity shall be defined by a common boundary line at least 50 feet long.” The Commissioners could revise the footage if necessary.

Chairman Jirik offered that if the Commissioners believed some form of relief should be granted from the Ordinance but the proposed wording did not capture it, he suggested forwarding the matter to the Village Council for review but then that the Council refer it back to the Plan Commission in order to hold a public hearing and give staff time to better define the language as an ordinance change versus a petition change. Concern was raised that the language could not be written immediately. As a third alternative, Mr. O’Brien recommended that the Plan Commission direct the petitioner to revise their language and continue the petition to the October 22 Plan Commission meeting.

Mr. O’Brien reiterated staff did not support the concept proposed by the petitioner. He indicated staff believed the existing zoning language was the most appropriate manner to handle accessory structures and lots of record. He stated the petitioner drafted the language and the petition was reviewed by staff. The Plan Commission could give the petitioner direction. Mr. Waechtler discussed that he did not want to proliferate 60 –foot wide lots.

Chairman Jirik confirmed with Mr. Russ that his client would not object to a continuation of the meeting.

WITH RESPECT TO FILE NO. PC-31-07, MR. WAECHTLER 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.

MOTION FAILED FOR LACK OF A SECOND.

WITH RESPECT TO FILE NO. PC-31-07, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION CONTINUE THE MATTER TO A DATE CERTAIN, THAT DATE BEING OCTOBER 22, 2007.

SECONDED BY MR. MATEJCZYK.

Mr. Russ confirmed with the Chairman his understanding of the Plan Commission's direction.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0

(The Plan Commission took a break at 8:25 p.m. and reconvened at 8:32 p.m.)

FILE NO. PC-28-07 (Continued from 08/06/07) A petition seeking 1) Final Plat of Subdivision approval; 2) Rezoning from R-4, Single Family Residential & R-6, Multiple Family Residential to B-2, General Retail Business for properties located at the Southwest corner of Belmont Road and Haddow Avenue, commonly known as 4900 to 4940 Belmont Road, Downers Grove, IL (PIN's 08-12-211-006,-007,-008,-009,-010, 08-12-217-001, 08-12-211-013 and 1) Final Plat of Subdivision approval; 2) Front Yard Setback Variation for properties located at the Northeast corner of Belmont Road & Hitchcock Avenue, commonly known as 5005 to 5009 Belmont Road, Downers Grove, IL (PIN's 08-12-215-001,-002,-003,-004,-005,-006,-007); Village of Downers Grove, Petitioner/ Owner

Chairman Jirik reminded the Commissioners this matter was continued from August and the Commission would be charged with reviewing new information only.

Chairman Jirik re-swore in those individuals who would be speaking on File No. PC-28-07.

Mr. O'Brien stated the Village of Downers Grove was also the petitioner on this matter. He noted on August 6, 2007 the Plan Commission held a public hearing, and a number of concerns were raised at that meeting, including whether other options or locations for the parking lots and underpass design were pursued. He reviewed each of these concerns as outlined in the memo staff prepared. There was concern about the Village's standing as the petitioner. Mr. O'Brien stated the Zoning Ordinance permitted the Village to apply for rezoning and subdivision approval.

He stated the neighbors raised concerns about potential traffic conflicts with Puffer School on Haddow Avenue and students' safety. He noted the Village's traffic engineers reviewed the traffic on Haddow Avenue and found that the arrival and dismissal time for Puffer School did not coincide with the peak traffic periods for the proposed parking lots. He stated a traffic signal for the intersection of Belmont and Haddow is proposed. Mr. O'Brien indicated concerns about safety and cut-through traffic as a result of the proposed signal could be addressed through prohibiting left turns from 4:00 p.m. to 6:00 p.m.

Mr. O'Brien explained the lighting and screening of the parking lot. He noted the Village requires adherence to approved plans which Metra will have to follow. If the plans are not followed, Metra would be subject to enforcement per Village Code.

He stated the concerns of project funding were not within the purview of the Plan Commission and the Village Council would be discussing the project funding at the Council meetings in the upcoming weeks. Finally, Mr. O'Brien indicated drainage patterns in the area would not be impacted because of the landscaped berm. He noted an inlet on the west side of the berm would collect the runoff from the residential properties and direct to the public storm sewer system.

Minutes from the August 6, 2007 meeting were provided to the Commissioners, along with written comments received from Ms. Cherise Madsen, 4823 Cross, Downers Grove, and Mr. Paul Brzezinski, 2219 Haddow Avenue, Downers Grove. Staff recommended approval of the rezoning and the Plat of Subdivision to consolidate the lots at the southwest corner of Haddow and Belmont Road and also recommended approval of the Plat of Subdivision to consolidate the lots at the northeast corner at Hitchcock and Belmont Road and the variation for the one parking space. Staff was still recommending its recommendations from its August 6, 2007 staff report.

Mr. Matejczyk stated staff was very responsive to the issues raised at the last meeting and appreciated the supporting documentation. Per a question on the relocation of the entrance/exit to the parking lot on Haddow, Mr. O'Brien reviewed its new position on the overhead projector, noting it was not across from the school's driveway. Asked if a representative from Puffer school attended the August 6th meeting, Mr. O'Brien stated there was no representative at that meeting or this meeting. Staff did speak with District 58 representatives who did not have issues with the proposal.

Mr. Mike Millette, Village Assistant Director of Public Works, referenced a letter about the conversation he had with Principal McDaniel relative to a safety evaluation the Department had to conduct. At that time, the principal had no issues.

Asked if there was any difficulty with a condition that tied any physical development to the execution of the construction of the underpass unless and until the underpass was built, Mr. O'Brien stated there were no conditions to the actual construction of the underpass, only the demolition of the structures on the site. Deputy Village Manager Fieldman reiterated the plans, as approved, must be completed in its entirety, and was the purview of the Commission. The intergovernmental agreement, while not under the purview of the Commission, contemplates and requires the construction of the entire project. Lastly, as to funding, Mr. Fieldman stated Metra would have the funding in place before construction begins. A numbers of checks and balances were in place.

Should the funding fall short as it relates to R zoning to B zoning, Mr. Fieldman stated the Village would be open, as the property owners, to subject itself to restriction on title that the site will only be used for a certain purpose to protect the neighborhood, and the condition would have to be tied to the plat.

Chairman Jirik opened the meeting to public comment as it relates to the new information.

Mr. John Madsen, 4823 Cross Street, conveyed his understanding of the relocation of the entrance to the parking lot on Haddow Avenue. He voiced concern about the young children at Puffer Street

and whether the entrance was relocated for ease of use. Secondly, as to staff's potential solution on northbound Belmont to insert a No Left Turn restriction between 4:00 p.m. and 6:00 p.m., Mr. Madsen suggested rethinking that solution for the residents. Lastly, he appreciated staff doing a field visit to the school and doing a traffic study but preferred an actual professional traffic expert review the matter.

Mrs. Terry Brzezinski, 2219 Haddow Avenue, said her husband received a letter from Deputy Village Manager Fieldman on September 25, 2007 which she read, summarizing that there were conditions being placed on the project. As to the other options or locations being considered for the parking lots, she was not aware of any other locations being considered for the lots. As to the 1998 hearing and the recommendations that came out of it, Mrs. Brzezinski presented a copy of the map that coincided with that hearing, which showed no parking lots for the proposed underpass at Haddow and Belmont. She also distributed information provided by Metra from its informational meeting in March 2002 which was the first time it proposed parking lots to be considered for the project. She stated there were other options for parking lots and when Metra was asked to pursue those for parking lots, Metra told the residents there was a Federal law requiring them to replace a certain number of parking lots within a specified distance. However, since then it was determined that no such Federal law existed. She personally went to the FTA to confirm that there was no Federal law. Also there was a vacant lot at the corner of Burlington and Puffer Roads which made more sense for parking replacement. She requested that those options be explored since the proposed lot did have issues.

Mrs. Brzezinski also stated she could not find language in the intergovernmental agreement that "requires" replacement parking. She questioned staff's reference to the intergovernmental agreement in its memo to the Plan Commission. She questioned the traffic study and the fact that the signal on Haddow Avenue would increase traffic because it would cause motorists to come to a signalized traffic signal. Now a parking lot was being added. She preferred an independent traffic consultant review the matter. Mrs. Brzezinski questioned the "proposed" traffic signal which would show up on some plans and not on others and whether it was warranted or not. As to the concern of lighting and screening of the parking lot, Mrs. Brzezinski asked if the proposal was the first parking lot in a residential area and if so, other significant landscaping should be considered due to the nearby residents. Asked if there was a berm height requirement, Mr. O'Brien stated it was a six-foot fence minimum. She asked that no speakers be allowed at the proposed parking lot.

Mrs. Brzezinski missed the discussion about rezoning of the property and asked whether the option of keeping the land as residential was a consideration. If the site was to remain residential, quality of life would be better and so would security. She asked if the entrance could be placed on Belmont Road since it would alleviate safety and traffic concerns on Haddow. She cited the apartment building across the street.

Ms. Donna Retzlaff, 211 S. Cass Avenue, Westmont, resides east of the south parking lot and was asking for clarification of the variance being requested. She asked if hearings were heard on the permits. She asked about the permit for the grading, wherein staff stated she would have to speak to Mr. Mike Millette of Public Works.

Mrs. Cherise Madsen, 4823 Cross Street, Downers Grove, referring to staff's September 21, 2007 memo, points out that there are no conflicts with the Puffer School morning/afternoon operations, that no traffic/safety issues exist, and that no further analysis needs to be conducted. She expressed

concern about the last minute commuter rushing to the parking lot and jeopardizing the safety of the children. She had issues with the No Left Turn restriction and the proposal adding to the overall congestion of the area.

Ms. Nancy Johnson, 5S140 Francisco Avenue, Downers Grove, did not support the proposal due to the traffic it would place on Haddow Avenue.

Mr. Paul Brzezinski, 2211 Haddow Avenue, stated he resides near the school and next to the proposed parking lot. He stated the school is open from sun up to sun down. He saw no benefit to adding a parking lot next to residential when there were other commercial lots available.

Ms. Tonia Yackle, 4520 Drendel Road, Downers Grove, stated her children were new to Puffer School, and safety was a concern as well as the traffic patterns on Haddow.

Ms. Donna Retzlaff, 211 S. Cass Avenue, Westmont, stated Metra approached her parents to purchase their property but never came forward with a proposal. There were other options.

Mrs. Terry Brzezinski, 2211 Haddow Avenue, responded and presented a plan which was approved by the Village Council. She stated Metra was looking to place the parking lot on the lot referenced by Ms. Retzlaff. She stated Metra would have had to apply for a revised FONSI from the FTA, which it did not.

Mr. John Madsen, 4823 Cross Street, said the wisest thing mentioned was tying the parking lot into the overall project moving forward. He believed it would allow time to address the safety issues.

Chairman Jirik closed public comment and opened up the matter to Commissioner comments.

A dialog followed about the speakers, wherein staff suggested tying them in as a condition not to be included. As to approving the parking lot and tying it to the overall project moving forward, dialog followed that the Commission did not do that for any other petitioner and did not tie zoning and subdivision changes on partial issues. Chairman Jirik stated the plan was very strict and was following a timeline. Lastly, Mr. Waechtler pointed out that after visiting the Puffer School site, he did note it had a fenced playground at the northwest corner for protection for the students. Chairman Jirik believed the main issue was traffic.

As to the restricted hours and the residents having difficulty accessing their neighborhood, Mr. Millette explained the layout of the area and discussed how the residents currently access their area. He explained the original concept discussed with the County was due to the concern of cut-through traffic to avoid Ogden and Belmont. The restricted hours would dissuade that. Discussion followed that if the lot was completed and cut-through traffic began to increase, the Village's Parking and Traffic Commission would review the issue. Mr. Millette clarified two issues were at hand. When asked earlier if the parking would cause a safety issue to the school, Mr. Millette stated it would not. He then pointed out the area of conflict on the map. In addition, he pointed out the No Left Turn signal was an alternative that Metra did not initially select, but if it became an issue of cut-through traffic, staff could revisit the matter.

Mr. Waechtler believed the Chairman was hinting that an annual review of the traffic take place after the proposal is completed. Chairman Jirik concurred, stating that having the necessary

remedies for it would be key. Mr. Beggs proceeded to point out some of the other parking lots situated next to residential areas with high traffic, such as North High School and the lot at Gloria Dei. He pointed out how the Village worked to fit those lots into those locations. While he empathized with the concerns of the residents, he believed what staff presented was the best solution to date.

WITH RESPECT TO FILE NO. PC-28-07, 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 AUGUST 6, 2007:

- 1. THE PROPOSED PLANS SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED AUGUST 6, 2007; AND THE CONTRACT PLANS FOR BELMONT ROAD GRADE SEPARATION PROJECT PREPARED BY URS DATED FEBRUARY 1, 2006; EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PARKING STALL LABELED 201 IN THE SOUTHWEST CORNER OF THE PROPOSED SOUTHEAST PARKING LOT SHALL BE REMOVED FROM THE PLANS TO PRESERVE A MINIMUM REQUIRED 25 FOOT PARKING SETBACK FROM HITCHCOCK AVENUE.**
- 3. THE STRIPED ISLAND IN THE NORTHWEST PARKING LOT SHALL BE LANDSCAPED WITH CURB AND GUTTER TO MATCH THE OTHER ISLAND IN THE SAME PARKING LOT.**
- 4. PRIOR TO THE COMMENCEMENT OF SITE DEVELOPMENT ACTIVITIES, THE APPROPRIATE PERMITS (WATER, STORMWATER, SITE DEVELOPMENT, RIGHT-OF-WAY, ETC.) SHALL BE OBTAINED FROM THE APPROPRIATE PERMITTING AUTHORITY.**
- 5. PUBLIC ADDRESS SYSTEMS SHALL NOT BE PERMITTED IN THE PARKING LOTS.**

**SECONDED BY MRS. HAMERNIK.
ROLL CALL:**

As to having a traffic review in the future, Mr. Matejczyk believed the citizens would step forward if there were traffic concerns in the area.

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0

FILE NO. PC-35-07 A petition seeking 1) Final Planned Development Amendment to Planned Development #32 Fairview Village for the expansion of Fairview Village at 210 Village Drive, Downers Grove to include new assisted living, independent living and skilled nursing facilities commonly known as 210 Village Drive, Downers Grove (PIN 09-21-102-007); 2) Preliminary

Planned Development Amendment to expand Planned Development #32 Fairview Village for the construction of four multi-family buildings at the intersection of Fairview Avenue and Lynn Gremer Court and to rezone such property from R-3, Single Family Residential to R-5A, Townhouse Residential, Downers Grove (PIN's 09-20-213-013,-014,-015,-016,-017,-018,-019); Steve Stewart, Petitioner; Fairview Ministries, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-35-07.

Mr. Stan Popovich, Planner, stated the petitioner, Fairview Village, was seeking two requests: 1) final planned development amendment for the main campus at Fairview and 66th Avenue and 2) an auxiliary campus encompassing seven lots within the eastern portion of the Green Acres Subdivision, calling for a preliminary planned development and rezoning.

For the main campus, the petitioner seeks a final planned development amendment to the existing current planned development. The current parcel is 38.77 acres with 506 independent living, skilled nursing, and sheltered care units with a common interior building space and accessory structures totaling 519,981 square feet. The petitioner is proposing to demolish six independent living cottages, the three-story skilled nursing facility, and three ancillary buildings along with the relocation of the barn. In its place, the petitioner is proposing to construct a new four-story skilled nursing and assisted living building and a new four-story independent living building with underground parking. All three buildings will be interconnected. The proposed project will result in a total of 661 independent living, assisted living, and skilled nursing units. Combined with the common interior building space, the existing space, and the proposed space, the proposal will total 885,352 square feet.

Mr. Popovich referenced the engineering plans, noting new roads will be proposed including a new loop road. A new intersection will tie into the existing 66th Street intersection. Two existing parking lots east of the skilled nursing will be combined into one lot. New lots will also be incorporated to the site. A 220 car parking garage will be located under the independent living wing. A new road will tie in the new northern entrance to the southern entrance which will provide better traffic circulation. The petitioner will be providing 685 parking spaces which exceeds the Village's requirement of 559 spaces. Approximately 25.9 acres of green space will be located throughout the development. Planned developments in the R-5A district require 40% (15.51 acres) green space.

The proposed height of the independent living facility is 55 feet 10 inches, and the skilled nursing and assisted living buildings are 51 feet 4 inches. The maximum height for this development is 35 feet or 66 2/3% of the shortest distance between any wall of such building and any exterior boundary line of the planned development. For this proposal, the maximum allowable height was 110 feet. Mr. Popovich presented various elevations of the proposal.

Per Mr. Popovich, the Main Campus proposal complies with the Village's bulk requirements of the Zoning Ordinance. The Future Land Use Map (FLUM) calls for 6 to 11 dwelling units per acre and the proposal, as proposed, would be 17 dwelling units per acre, but staff believes the impact is sufficient but not significant due to the type of age restricted proposal it is. It was consistent with the goals of the FLUM. No plat of subdivision is required for the main campus. However, the main campus is required to provide donations to the school and park district, but those donations are counted only for the independent living facilities. The petitioner does receive credit for removing

six independent living cottages which results in 196 independent living units to be calculated for donation, or approximately \$433,140.65 to be split between two school districts and the Dowers Grove Park District. An existing park district easement exists over two ponds on the north side of the facility and for the improvements, the Park District has to approve the improvements or release the easement. The petitioner was currently working with the Park District. Staff stated that documentation will have to be presented to the Village prior to the issuance of development permits.

One sign is proposed, and it meets the Sign Ordinance. Extensive stormwater engineering and public improvements are planned. The water in the two ponds will be lowered to improve the capacity of the ponds to handle the main campus, auxiliary campus, and the remaining parcels of Green Acres Subdivision. An easement over the ponds will need to be provided by the petitioner to the Village. Staff was comfortable with the proposed stormwater plan. A traffic study was enclosed in the Commissioners' packets. Details followed. Staff believes the existing roads will be able to handle the additional traffic. A photometric plan in the packet was referenced; details followed. No lighting is planned toward the property lines. A fire command center will be required to be installed as well as an automatic sprinkler system. A fire safety and evacuation plan will be required by staff for both the new buildings and for the occupied buildings during construction. No public comment has been received at this time.

The Village of Westmont and City of Darien have been sent staff's report regarding the proposal with informational questions returned. Additionally, on September 24, 2007 a neighborhood meeting was held. Staff recommended approval of the main campus with the listed conditions in its memo.

The Auxiliary Campus 2.9 acre proposal is a conversion of seven lots within the eastern portion of the Green Acres Subdivision. Proposed is a Preliminary Planned Development Amendment to become part of the Final Planned Development on the Main Campus and a Rezoning from R-3, Single Family Residential to R-5A, Townhouse Residential. The R-5A rezoning is requested to be consistent with the existing zoning of the main campus. Per staff, the discussion tonight is only for a land use and preliminary plan and approval request. The final development, building plans, site plan, etc. will have to return to the Commission and Village Council.

Proposed are four (4) two-story apartment buildings that would each contain eight units with underground parking for its residents. The existing single-family house would be converted into a clubhouse and executive offices. Additional on-street parking will be provided to the north. Lynn Gremer Court will be removed, vacated and replaced with an access drive. Staff believes the two curb cuts along Fairview are adequate as two curb cuts were approved for the Green Acres Subdivision based on the lot layout.

A 20-foot setback exists from the western (rear) property line and 30 feet from the north, east and south property lines. Staff believes a 30-foot setback was a sufficient setback for the proposal as adequate landscaping and buffering can be installed in this setback. Approximately 98 parking spaces are proposed to the required 48 parking spaces. The site provides approximately 71,000 square feet of green space or 56% green space from the required 40% green space. The Final Planned Development Amendment auxiliary campus proposal will be reviewed for zoning compliance by the Commission and Village Council. When viewed together, both the main campus

and auxiliary campus comply with the bulk requirements of the Zoning Ordinance as shown in the staff report.

The auxiliary campus property is designated as Residential at 0-6 dwelling units per acre. The proposed development would create a density of 11 dwelling units per acre. Staff believes that due to the age-restricted use of the proposal, the proposal will meet the spirit of the Future Land Use Map. Through proper screening, Mr. Popovich believes the single-family residential area will be buffered appropriately.

A Plat of Subdivision and a Plat of Vacation will need to be prepared for the auxiliary campus proposal. The proposal will require school and park district donations. The Green Acres developer previously paid donations based on seven (7) four-bedroom units and, therefore, the petitioner will receive credit for those units, based on their 32 units, the total donation will total approximately \$80,837.34.

No signage is being proposed, and no detailed engineering plans are being provided because the request is for a preliminary plan approval, but it will be required for the final development amendment process. As previously noted, the two detention ponds on the main campus were designed to accommodate the proposed main and auxiliary campus developments and the remaining parcels of the Green Acres Subdivision. New easements will be required within the auxiliary campus. The Village is requiring an additional study of the water main which will be provided during the final planned amendment process. A traffic study and photometric plans will be required as well as automatic sprinklers for safety. The existing single-family house may have to go under changes as well, due to fire issues. The petitioner is aware of that.

No public comments were received on this auxiliary proposal which was also discussed at the September neighborhood meeting. Staff recommended approval of the auxiliary campus proposal subject to the conditions in staff's memo.

Per a question, Mr. Popovich clarified that the petitioner will be required to maintain the underground stormwater and detention systems. However, if the petitioner does not maintain the stormwater systems, the easement would allow the Village to complete the necessary maintenance.

Mr. Rick Olson, CEO of Fairview Ministries, 210 Village Drive, Downers Grove, introduced Mr. Steve Stewart, summarizing that he has been involved with the senior living industry for 30 years. He reviewed the history of the ministry and stated the master plan before the Commissioners was a very good plan because it positioned the ministries to continue to serve seniors in the future. He discussed the number of activities that the seniors participate in and wanted to be responsive to the needs of the community while planning for the long-term.

Mr. Olson introduced Mr. John Gray with New Life Management and Development. Mr. Gray explained his firm works exclusively in the senior living area and, in particular, for non-profits such as Fairview Ministries, in developing new projects and expanding projects. He discussed that the project has three goals: 1) repositioning the main campus to offer additional opportunities for area seniors to access the programs and services; 2) replace the aging Baptist home with a state of the art healthcare facility; and 3) to expand the service offerings to residents through the auxiliary facility. After a market study was conducted, it was determined that the number of seniors were increasing, and Fairview wanted to meet that need.

Mr. Gene Guskowski President with AG Architecture, 1414 Underwood Avenue, Wauwatosa, Wisconsin, discussed that the materials on the project will be the same as the main campus with some additional materials being added. Amenities will include the Wellness Center, new dining areas, a fitness/aquatic center, focus on care levels of living for the long-term, a concierge; and private rooms. Also planned are a performing arts/theater; physician offices; a daycare center; underground parking, and green space. Details of the auxiliary campus followed. Mr. Guskowski summarized that the Fairview Ministries was providing various strategies that will allow Fairview to remain vital and vibrant in the senior marketplace.

Chairman Jirik opened the meeting up to public participation.

Ms. Andrea VanBoren, 6576 Fairview Avenue, Downers Grove stated her home faces Fairview Village currently and is adjacent to the proposed auxiliary campus. She discussed the number of residential areas surrounding her home and their market values. She is opposed to the proposed auxiliary campus because it is in direct view of her home and next to her neighbor. The proposal will leave two undeveloped lots on Davane Lane which she feels will draw apartment or townhome development. Inconsistent zoning will make the area an unstable market choice. Plans for the club house and executive office shows evidence that the proposal is not residential at all but a business use. Through hearsay, she heard there was going to be a shuttle run between Fairview and the auxiliary campus, which was a business/nursing home. She believed with a turn of the real estate market, the buildings could become rental units. She supported a traffic study for the auxiliary campus and voiced her concerns about the current traffic difficulties she has encountered. She believes they will jeopardize the safety of the seniors as well. She stated the new townhomes just south of 63rd Street were a good transition from commercial back to residential. While an office building was originally proposed, the Village denied the variance, due to other available parcels on 63rd. She believed the proposed variance would change the character of the neighborhood, density, and safety of the area.

Mr. Jason Mitchell, 6572 Fairview Avenue, Downers Grove, discussed that he moved to the area due to the open space. He feared that the proposal would affect property values and he asked to see some data provided by Fairview to prove otherwise. He did not believe they would have that information. He supported the activities that were taking place at the main Village and would support that part of the proposal. He just did not support multi-unit development next to him.

Mr. Kerry Richman, 6575 Davane Lane, was familiar with the Village since he lived there. He did have concerns about the auxiliary proposal due to the established residential area. He also was concerned about the two empty lots on Davane Lane.

Ms. Von Boren stated during staff's presentation there was mention that no comments were received from the residents. However, she had a petition with 20 names on it not supporting the auxiliary campus proposal. She submitted the petition.

Mr. Larry Rosol, Rosol Construction Co., 6556 Barrywood, stated his home was in the area and the concern about resale value should be mitigated because the auxiliary proposal had plans to buffer off the entire proposal from the residential to create its own community. The single lots on Davane would remain as single-family lots. He believed that some of the residents were misinformed on the proposal.

Mr. Fred Foss, 6579 Davane Lane, Downers Grove, stated his concerns about the amount of parking, specifically, that it calculated out to be three parking spaces per unit. He believed there would be added stress placed on emergency facilities and increased traffic due to adding employees. He requested that a traffic study be done.

Per a question, Mr. Popovich stated the traffic study for the main campus showed an increase of 4% on Fairview Avenue. Minor increases were at 8:00 a.m. and during the evening peak hours, however due to the type of housing, the majority of the increase is seen during non-peak hours. A traffic study for the auxiliary campus would be required by staff.

Chairman Jirik closed public participation.

In response to the above concerns, Mr. Gene Guskowski with AG Architecture, explained that the single-family home was significant and had a high level of finish within it. It offered an opportunity for a passive community space. Amenities of the home followed, noting it would be a community space for the new 32 residents. A marketing office or an executive office may exist there. The shuttle discussion was raised because it was asked if there was an opportunity to offer a shuttle between the two campuses since one already existed. Lastly, there 98 parking spots existed but 60 could be placed in the underground garages. The additional spaces were for guest parking. There was no intention to expand west on the Davane lots. As to the traffic study, Mr. Guskowski stated there would be little traffic generated from the site because seniors do not usually drive during the peak hours. A traffic study would be forthcoming.

Comments from the Commissioners followed. Mr. Waechtler inquired about the reduction in the skilled nursing facility on the main campus, wherein Mr. Guskowski explained it was due to the marketplace. The trend was to reduce skilled nursing and replace it with assisted living. Other dialog followed that a minimum age of 62 would be required for use of the auxiliary campus. However, the average age of move-in on the main campus was 78 years of age. Mr. Waechtler did not understand why the developer had to pay contributions to the school district when no students would be residing at the campus. Senior Planner, Mr. O'Brien agreed, but stated the Village had a subdivision ordinance that when any plat of subdivision is filed or planned development amendment is filed involving residential dwelling units, the Village is obligated, through an intergovernmental agreement, to collect school donations. The petitioner, however, can seek relief from the school district.

Mr. Waechtler suggested that the intergovernmental agreement be reviewed because he did not agree with that portion of it. In reviewing the zoning map, he pointed out where the auxiliary proposal would sit; i.e., surrounded by single family residential.

WITH RESPECT TO FILE NO. PC-35-07, MRS. HAMERNIK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF A FINAL PLANNED DEVELOPMENT AMENDMENT TO FAIRVIEW BAPTIST HOME PLANNED DEVELOPMENT #32, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY A.G.**

ARCHITECTURE DATED SEPTEMBER 10, 2007; THE PRELIMINARY ENGINEERING PLANS PREPARED BY GEWALT HAMILTON ASSOCIATES, INC. DATED JULY 20, 2007, LAST REVISED AUGUST 21, 2007; THE PRELIMINARY LANDSCAPE PLANS PREPARED BY 3D DESIGN STUDIO DATED AUGUST 21, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

- 2. THE VILLAGE SHALL ASSUME OWNERSHIP OF THE WATER MAINS. AS SUCH, EASEMENTS SHALL BE PROVIDED OVER ALL WATER MAIN PIPES, VALVES, FIRE HYDRANTS AND ALL OTHER WATER APPURTENANCES WHICH GIVES THE VILLAGE THE RIGHT TO MAINTAIN AND REPAIR THE MAINS AND WATER APPURTENANCES. A PLAT OF EASEMENT SHALL BE PREPARED AND ACCEPTED BY THE VILLAGE PRIOR TO THE ISSUANCE OF SITE DEVELOPMENT PERMITS.**
- 3. ALL THE FIRE HYDRANTS ON THE SITE WILL BE OWNED AND MAINTAINED BY THE VILLAGE AND SHALL BE PAINTED YELLOW.**
- 4. A COMPLETE LEAK DETECTION SURVEY SHALL BE CONDUCTED FOR THE ENTIRE EXISTING WATER SERVICE ON THE SITE. ALL REPAIRS SHALL BE COMPLETED BY THE OWNER PRIOR TO VILLAGE ACCEPTANCE.**
- 5. AN IEPA WATER PERMIT SHALL BE SUBMITTED TO THE VILLAGE FOR THE INSTALLATION OF NEW WATER MAIN ON THE SITE. WATER MAIN CONSTRUCTION SHALL NOT BEGIN UNTIL AN APPROVED PERMIT IS RECEIVED FROM THE IEPA.**
- 6. AN EASEMENT SHALL BE PROVIDED OVER ALL STORMWATER DETENTION FACILITIES AND PIPING. A PLAT OF EASEMENT SHALL BE PREPARED AND ACCEPTED BY THE VILLAGE PRIOR TO THE ISSUANCE OF SITE DEVELOPMENT PERMITS.**
- 7. DISABLED PERSONS ACCESSIBLE PARKING SPACES SHALL COMPLY WITH THE ILLINOIS STATE LAW FOR ACCESSIBLE PARKING.**
- 8. A COMPLETE MANUAL AND AUTOMATIC DETECTION SYSTEM SHALL BE INSTALLED THROUGHOUT THE NEW INDEPENDENT LIVING, ASSISTED LIVING AND SKILLED NURSING FACILITIES. ALL DETECTION SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD.**
- 9. A COMPLETE AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE INSTALLED THROUGHOUT THE NEW INDEPENDENT LIVING, ASSISTED LIVING AND SKILLED NURSING FACILITIES.**
- 10. AN ADDITIONAL FIRE HYDRANT SHALL BE INSTALLED ON THE NORTH SIDE OF THE SKILLED NURSING BUILDING IN AN APPROVED LOCATION.**
- 11. AN APPROVED FIRE SAFETY AND EVACUATION PLAN SHALL BE DEVELOPED FOR THE INDEPENDENT LIVING (EXISTING AND NEW), ASSISTED LIVING AND SKILLED NURSING FACILITIES. THE PLAN SHALL BE SUBMITTED AND APPROVED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**
- 12. AN APPROVED FIRE SAFETY AND EVACUATION PLAN SHALL BE DEVELOPED FOR THE EXISTING SKILLED NURSING BUILDING WHICH WILL BE OCCUPIED DURING CONSTRUCTION. THE PLAN SHALL BE SUBMITTED AND APPROVED PRIOR TO THE ISSUANCE OF ANY VILLAGE CONSTRUCTION PERMITS.**

13. FAIRVIEW VILLAGE SHALL PROVIDE THE VILLAGE WITH WRITTEN DOCUMENTATION FROM THE DOWNERS GROVE PARK DISTRICT IDENTIFYING THE RELEASE OF THE PARK DISTRICT EASEMENT WITHIN FAIRVIEW VILLAGE OR THEIR CONSENT TO ALLOW IMPROVEMENTS WITHIN THEIR EASEMENT. THIS DOCUMENTATION SHALL BE SUBMITTED TO THE VILLAGE PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT PERMITS.
14. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS, THE PETITIONER SHALL PAY TO THE VILLAGE A TOTAL OF \$433,140.65 AS SCHOOL AND PARK DONATIONS (\$321,411.58 TO DOWNERS GROVE PARK DISTRICT, \$81,504.52 TO DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT 58, AND \$30,224.55 TO COMMUNITY HIGH SCHOOL DISTRICT 99) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

SECONDED BY MR. BEGGS.

ROLL CALL:

AYE: MRS. HAMERNIK, MR. BEGGS, MR. COZZO, MR. MATEJZCYK, MR. QUIRK, MRS. RABATAH, MR. WAECHTLER, CHAIRMAN JIRIK.

NAY: NONE

MOTION CARRIED. VOTE: 8-0

Positive comments followed on staff's presentation and the petitioner's presentation and the fact that the petitioner held a public meeting with the neighbors. As to the auxiliary facility, Mr. Beggs pointed out that in general the Commission has seen medical facilities grow up on residential areas which have complemented the areas and not detracted from them. He agreed such facilities were growing up and growing out and applauded the confidence displayed by Fairview in order to expand its facilities. He favored the plan being presented. Discussion followed that there was a previous attempt to move commercial further south on Fairview which the Village Council did not support. Mr. Waechtler voiced concern about the proposal encroaching upon the beautiful residential neighborhood on the west side of Fairview. Chairman Jirik believed the proposal offered an opportunity for a diversity of housing which did not exist and was serving an unserved population which would be done in good taste. He believed the proposal was an asset.

WITH RESPECT TO FILE NO. PC-35-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL APPROVING THE PRELIMINARY PLANNED DEVELOPMENT AMENDMENT TO FAIRVIEW BAPTIST HOME PLANNED DEVELOPMENT #32 (AUXILIARY CAMPUS) AND REZONING OF THE SUBJECT PROPERTIES, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE FINAL PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY A.G. ARCHITECTURE DATED SEPTEMBER 10, 2007 AND THE PRELIMINARY LANDSCAPE PLANS PREPARED BY 3D DESIGN STUDIO DATED AUGUST 31,

2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

- 2. THE PETITIONER SHALL FILE A PETITION FOR A FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, PLATS OF EASEMENT, AND A PLAT OF VACATION FOR THE LYNN GREMER COURT RIGHT-OF-WAY NO LATER THAN ONE (1) YEAR AFTER VILLAGE COUNCIL APPROVAL IF SAID APPROVAL IS GRANTED. IF A PETITION IS NOT FILED WITHIN ONE (1) YEAR, ANY APPROVALS GAINED FROM THIS PETITION FOR A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT SHALL BE NULL AND VOID. THE BUILDING ELEVATIONS AND SITE PLAN SHALL SUBSTANTIALLY CONFORM TO ANY PLANS APPROVED BY THE VILLAGE COUNCIL AND PLAN COMMISSION.**
- 3. PRIOR TO THE PLAN COMMISSION CONSIDERATION OF THE FINAL PLANNED DEVELOPMENT AMENDMENT, THE FOLLOWING COMMENTS SHALL BE ADDRESSED:**
 - a. A REVISED STORMWATER GRADING PLAN SHALL BE PROVIDED THAT ADDRESSES STORMWATER CONVEYANCE FOR THE WESTERN PORTION OF GREEN ACRES SUBDIVISION.**
 - b. THE SITE SHALL PROVIDE FOR OVERLAND FLOW ROUTES FROM DAVANE LANE THROUGH THE SITE AND ACROSS FAIRVIEW AVENUE WITHOUT NEGATIVE IMPACTS TO THE SITE OR FAIRVIEW AVENUE.**
 - c. BEST MANAGEMENT PRACTICES FOR STORMWATER QUALITY SHALL BE IMPLEMENTED ON THE SITE.**
 - d. ALL EXECUTED UTILITY EASEMENTS SHALL BE ABROGATED, AND NEW EASEMENTS SHALL BE PROVIDED OVER ALL RELOCATED UTILITIES, STORMWATER FACILITIES AND OVERLAND FLOW ROUTES.**
 - e. THE VILLAGE SHALL ASSUME OWNERSHIP OF THE WATER MAIN AND WATER APPURTENANCES. AS SUCH, EASEMENTS SHALL BE PROVIDED OVER ALL WATER MAIN PIPES, VALVES, FIRE HYDRANTS AND ALL OTHER WATER APPURTENANCES.**
 - f. A TRAFFIC STUDY SHALL BE COMPLETED FOR THE SITE. THE STUDY SHALL DETAIL THE IMPACT OF THE DEVELOPMENT ON THE SURROUNDING ROAD NETWORK AND ASSESS THE PROXIMITY BETWEEN THE TWO PROPOSED CURB CUTS ONTO FAIRVIEW AVENUE.**
 - g. A PHOTOMETRIC PLAN SHALL BE SUBMITTED.**
- 4. THE EXISTING LYNN GREMER COURT RIGHT-OF-WAY SHALL BE VACATED.**
- 5. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.**
- 6. THE FOUR PROPOSED APARTMENT BUILDINGS AND THE EXISTING SINGLE-FAMILY RESIDENCE SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. ALL DETECTION**

SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.

- 7. A FIRE HYDRANT SHALL BE LOCATED WITHIN 100 FEET OF EACH PROPOSED AND EXISTING BUILDING'S FIRE DEPARTMENT CONNECTION.**
- 8. EACH PROPOSED APARTMENT BUILDING SHALL HAVE ONE MAIN ELECTRICAL DISCONNECT OR A SHUNT TRIP SYSTEM THAT CUTS POWER TO THE ENTIRE BUILDING.**
- 9. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS FOR THE AUXILIARY CAMPUS DEVELOPMENT, THE PETITIONER SHALL PAY TO THE VILLAGE A TOTAL OF \$90,837.34 AS SCHOOL AND PARK DONATIONS (\$63,691.89 TO DOWNERS GROVE PARK DISTRICT, \$20,932.49 TO DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT 58, AND \$6,212.96 TO COMMUNITY HIGH SCHOOL DISTRICT 99) SUBJECT TO VERIFICATION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: MRS. HAMERNIK, MR. WAECHTLER

MOTION CARRIED. VOTE: 6-2

Mrs. Hamernik voted Nay because she did not believe the proposal was consistent with the west side of Fairview even though she saw the benefits of the proposal. Mr. Waechtler liked the main campus proposal but voted Nay because he did not feel the auxiliary campus was right for the area, even though it was a wonderful project.

The Commission was informed the next meeting is scheduled for October 22, 2007. Mr. O'Brien stated the parking regulations reviewed earlier this year were adopted. The Chairman thanked the Commissioners and staff for their efforts on the projects. Mr. Waechtler asked if there would be a joint meeting with the Village Council in the near future. The Chairman would follow up with a letter.

MR. WAECHTLER MOVED TO ADJOURN THE MEETING. MRS. RABATAH SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 11:40 P.M.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

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
PLAN COMMISSION MEETING, NOVEMBER 5, 2007, 7:00 P.M.

Chairman Jirik called the November 5, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mr. Waechtler

ABSENT: Mrs. Hamernik, Mrs. Rabatah Mr. Webster

STAFF PRESENT: Mr. Jeff O'Brien, Senior Planner; Mr. Michael Millette, Assistant Public Works Director/Engineering

VISITORS: Mark Toman, 1109 61st Street, Downers Grove; *Philip Barr, 4605 Puffer Road, Downers Grove; *Bob Long, 1864 Grant Street, Downers Grove; Peter Healey, 1848 Grant Street, Downers Grove; Cynthia Obuch, 4520 Stonewall Avenue, Downers Grove; John* & Joan Georgas, 4455 Stonewall Avenue, Downers Grove; Ernest & Donna Anderson, 1723 Janet, Downers Grove; Barb Carraro, 4837 Lee Avenue, Downers Grove; Michael Shea, 4512 Cornell Avenue, Downers Grove; Donald Young, 4513 Cornell Avenue, Downers Grove; *Wesley Jaros, 1113 Black Oak, Downers Grove; *Anita & Paul Jencks, 4306 Cornell Avenue, Downers Grove; Frank & Marilyn Nachman, 1817 Grant Street, Downers Grove; Marguerite Thonn, 4734 Lee Avenue, Downers Grove; Sylvia Birks, 4718 Lee Avenue, Downers Grove; Julie Isenberger, 4705 Lee Avenue, Downers Grove; Mr. & Mrs.* Robert Price, 4439 Stonewall Avenue, Downers Grove; Mr. & Mrs. June Reed, 4640 Lee Avenue, Downers Grove; Todd Williams, 4525 Lee Avenue, Downers Grove; *Andy Tecson, 4700 Lee Avenue, Downers Grove; Mr. & Mrs.* Richard Krouse, 4720 Lee Avenue, Downers Grove; Mr. & Mrs. Daniel Biederman, 4724 Lee Avenue, Downers Grove; Omar Dweydari, 1723 Ogden Avenue, Downers Grove; Gary Jacklin, 1836 Grant Street, Downers Grove; *Bill Wrobel, 7800 Queens Court, Downers Grove; Jim & Judy McAnally, 4733 Lee Avenue, Downers Grove; John Porcelli, 4530 Lee Avenue, Downers Grove; Chris Goray, 4709 Lee Avenue, Downers Grove; *Renee Wilhelm & Steve Wilhelm, 4713 Lee Avenue, Downers Grove; *Kent Conness, 1846 Grant Street, Downers Grove; *Luey Aboona, KLOA, Inc., 9575 W. Higgins Road, Rosemont; *Nate Wynsma, Remington Homes, LLC, 450 River Road, Elgin; *Nate Bryant, Bradford Real Estate, 10 S. Wacker Drive, Chicago; Fred Thaete, Manhard Consulting, 2050-50 Finley Road, Lombard; Adam Reinke, Manhard Consulting, 2050-50 Finley Road, Lombard; Ms. Hope Whitfield, Schain, Burney, Ross & Citron, 222 N. LaSalle St., Chicago; Bernard Citron, Schain, Burney, Ross & Citron, 222 N. LaSalle St., Chicago; Chris Stair, ACOI, Inc., 1200 N. Kirk Road, Batavia; Jay Eck, BPC; Tamara Flagg, McDonald's, 4320 Winfield Road, #400, Naperville; Rick Dolan, McDonald's, 4320 Winfield Road, #400, Naperville; *Tom Drexler, 4513 Stonewall Avenue, Downers Grove; *Tom & Michelle Drennan, 4501 Cornell Avenue, Downers Grove; Brooks Boyer, 4505 Lee Avenue, Downers Grove; Jim Murray, 1752 Chicago Avenue, Downers Grove; *John Klasing, 4716 Northcott, Downers Grove; *Ann Marie & Mark Peters, 1756 Chicago Avenue, Downers Grove; Marilyn Schnell, 1240 39th Street, Downers

Grove; Joel Andersen, 4500 Downers Drive, Downers Grove; Keith Post, 4516 Lee Avenue, Downers Grove; Roberta* & Skip Muehlhaus, 1868 Grant Street, Downers Grove; Chris Hester, 1860 Grant Street, Downers Grove; Dan* & Marie Dreiser, 4624 Lee Avenue, Downers Grove; Michelle Topping, 4716 Lee Avenue, Downers Grove; Bob & Susan Frank, 4501 Stonewall Avenue, Downers Grove; *Frank Falesch, 820 Prairie Avenue, Downers Grove; Sue Decker, 1864 Grant Street, Downers Grove; John Porcolli, 4530 Lee Avenue, Downers Grove; Randall Stella, 4524 Cornell Avenue, Downers Grove; June Reed, 4640 Lee Avenue, Downers Grove; Kevin Nystedt, 4500 Lee Avenue, Downers Grove; Greg Bedalov, 4840 Seeley Avenue, Downers Grove; John Schofield, 1125 Jefferson Avenue, Downers Grove; Renee Gibbon, 4607 Lee Avenue, Downers Grove; Bob Van De Velde, 4448 Lee Avenue, Downers Grove; Leonard & Virginia Johnson, 4509 Lee Avenue, Downers Grove

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

Minutes of the October 22 2007 - Minutes of October 22, 2007 Plan Commission meeting were approved on motion by Mr. Matejczyk, seconded by Mr. Cozzo. Motion carried. Vote: 6-0.

Chairman Jirik proceeded to explain the protocol for the meeting.

FILE NO. PC-37-07 A petition seeking 1) Final Planned Development Approval with an Exceptional Use; 2) Special Use; 3) Final Plat of Subdivision approval for development of the property with commercial and townhouse uses; for properties located on the South side of Ogden Avenue, at the intersection of Lee and Ogden Avenues, Downers Grove, IL (PIN's 09-06-304-013,-014,-015,-016,-017, 09-06-304-029,-030, 09-06-304-033,-034,-035,-036, 09-06-304-040,-041);Bradford Ogden Lee, LLC, Petitioner; Kevin M. & Sandra A. Harynik, Owners; Elmhurst National Bank as Trustee Trust No. 1108, Owner; Aldi, Inc., Owner; Richard W. & Marilyn G. Kus; Owners; Vernon T. Langley, Jr., Owner; Sterling Group, Ltd., Owner; Downers Grove National Bank as Trustee Trust 72-23, Owner; FNBW Bank as Trustee Trust 1431, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-37-07.

Mr. Jeff O'Brien, Senior Planner explained the petitioner is proposing to redevelop the 18.5-acre property at the southwest corner of Ogden Avenue and Lee Avenue. The proposed redevelopment includes three different zoning classifications; specifically, B-3 zoning on the northern portion of the site, R-1 zoning on the eastern portion of the site and R-3 at the western and southern portions of the site. The project will consist of a multi-use development with commercial uses located on the north side of the development adjacent to Ogden Avenue and townhomes on the southern portion of the site. The petitioner is requesting a planned development with exceptional uses for the townhomes, special uses for the drive-through uses, and a plat of subdivision. The commercial uses include a new grocery store, a fast-food restaurant with a drive-through, a multi-tenant retail building with a drive-through and two out lots. Ninety-nine market-rate townhomes in units of four, five and six unit buildings are proposed for the site. Mr. O'Brien referenced the site on the Village's Future Land Use Map. The site is an important part of the Ogden Avenue Master Plan.

Site constraints include existing wetlands and localized poor drainage areas ("LPDA"). Since the site was formerly used as an automobile salvage yard, some environmental contamination exists

(primarily heavy metals) on the site. The plat of subdivision reflects eight new lots, as pointed out on the map.

Special uses are being requested for the drive-throughs on Lots 4 and 5, and staff is recommending an expedited plan for those lots to be ready for Village Council review before final approval is granted. An Aldi Food Store is proposed for Lot 1, a McDonald's on Lot 2 and a multi-tenant retail building on Lot 3. The townhomes will be contained in eighteen (18) buildings and include two-car garages. On-street guest parking is proposed and exceeds the Village's parking requirements. A recreational lot and bike/walking/emergency access path is proposed and will be maintained by the homeowner's association. Staff recommends that the Village Council review and approve the homeowner's association documents before any permits are issued for the townhomes.

A review of the bulk variances being requested followed. Mr. O'Brien indicated several internal setback variations for Lot 1 are being requested. As well as shared parking for the commercial lots. He noted the development would meet the setbacks as they relate to the neighboring properties.

Mr. O'Brien reviewed the four access points to the public roads. Per Mr. O'Brien, prior to the Council reviewing the proposal staff is requesting a sight distance review of the full access to Ogden Avenue be completed. Two access points are proposed from Lee Avenue; details and staff conditions followed. Improvements are also proposed for Lee Avenue. At the intersection of Ogden and Lee, staff is proposing a traffic signal due to the increased traffic from the development. An emergency access point will be added to Grant Street to allow for access to the southern portion of the site. Staff will require a plan and details of how the path will be engineered to support fire apparatus and how it will connect to the paved section of Grant Street.

Staff is seeking direction from the Plan Commission and Village Council to review traffic calming measures. In addition, two neighborhood meetings were held on May 17, 2007 and last Monday night, October 29, 2007. In response to a question about the schools, Mr. O'Brien clarified the children from the development will attend Puffer Elementary from grades K to sixth; Herrick Middle School for 7th and 8th grade and Downers Grove North High School.

Mr. O'Brien referenced e-mails received from neighbors, which were on the dais, and which pertained to concerns of increased traffic on Lee Street, stormwater management facilities, and the change in land use for the townhomes. The Village is still reviewing the engineering for the site, and staff is trying to adjust further refinements and would like to physically separate the detention facilities from the wetland and LPDA.

Per a question to Mr. Millette, Assistant Director of Public Works, he explained the drainage for the site would drain in the detention area located in the center of the site. A secondary discharge will also take place. Mr. Millette confirmed that staff did receive a slightly revised plan relating to the above-mentioned pond to be physically separated from the wetlands. A secondary concern raised was that water was feeding the wetland, and the overflow had to be maintained. Mr. Millette explained a low flow pipe will carry water to feed the wetland, and another area was being considered. Mr. Millette was satisfied with the resubmitted plans.

As to flooding concerns on north Lee Avenue, Mr. Millette stated the water surface currently existing would lower the height of the ponds depending upon the slope of the road. Mr. Matejczyk questioned whether it would be wise to raise that portion of Lee Avenue. Mr. Millette would have

to consider the suggestion seriously. Regarding the sanitary sewer being brought down from Lacey Road, Mr. Millette was comfortable with the proposal from the Sanitary District.

Mr. Waechtler confirmed with staff that the land trust disclosures were accurate. Asked if the owners of the units will be able to sublease, Mr. O'Brien confirmed language regarding same will be part of the homeowner's association, but staff has requested there be a restriction on the percentage or number of rental units. Per another question, visitor parking spaces included 20 spaces. Due to sight distance concerns on Ogden Avenue, staff has recommended that a sight distance analysis be performed. Mr. Waechtler also suggested the Village staff install "Blind Hill" signage to warn motorists of the upcoming access driveways. Mr. Matejczyk strongly encouraged staff to review the matter again. If there were an actual concern, staff would look to the traffic analysis as well as the State to look at their recommendations.

As to installing a traffic signal on Lee Avenue, Mr. Matejczyk believed it would draw more traffic heading west. He did not believe the traffic engineers considered those. Per Mr. O'Brien, staff has requested an additional traffic analysis be done to and from the south and its impact to the site. Mr. O'Brien indicated that no traffic calming solutions have been proposed, and staff was reviewing the matter internally and intends to have measures installed on Lee Avenue to address the increased traffic. A traffic calming policy was being reviewed, and staff was open to solutions. The developer has been asked to provide an analysis of the area with the Belmont underpass being taken into consideration. Mr. O'Brien stated that 40 trips would be taken during the peak morning hours, while 30 of those trips would occur during peak evening hours. Dialog followed on the design and function of Lee Avenue; i.e., designated as a local street but is acting as a collector street.

Mr. O'Brien confirmed that permitting and such has begun as it relates to the wetlands. Staff has contacted the Army Corp of Engineers. Mr. Beggs voiced concern over the length of time some of the environmental issues take. Mr. O'Brien reiterated the developer was not impacting the wetland, and it was the developer's obligation to meet the Village, County and Federal requirements. He noted if the petitioner could not build the plan in substantial compliance with what is approved by the Plan Commission and Village Council, the petitioner would have to go back through the Village's planning process. With regard to the contamination of soil, the Illinois Environmental Protection Agency will be responsible for oversight of the site. The Village is contributing about \$1,000,000 from the TIF district to the project, which is listed in the Redevelopment Agreement.

Staff referenced there is a preliminary landscape plan, and the developer has been asked to provide better detail of the Grant Street landscaping. No specific details were available at the time. Regarding the walking path, staff has recommended a wider asphalt path with an engineered surface on the outside widths of the path to support emergency vehicles.

Per Mr. Cozzo's question, staff is recommending the northern drive to Lot 5 on Lee Street be relocated to line up with the commercial driveway on the east side of Lee Avenue. In addition, staff is recommending the drive be modified to allow in-bound only movements to avoid conflicts with the traffic waiting in the queue for the proposed signal. Staff was not sure how far the turn bay would be positioned since making a left-turn movement could be difficult.

As to expediting the plans for Lots 4 and 5 prior to Council review, Chairman Jirik confirmed with staff it would establish similar details to Lots 1, 2, and 3 and should any plans change, they would return to the Plan Commission for review. Regarding traffic calming suggestions, Mr. O'Brien was

looking for solutions on Lee Avenue south of the access boulevard. He reviewed some of the issues the site presented.

As to limiting the commercial truck access, staff did not review the peak hour turn movements but was more concerned about turning movements out of the site during peak hours. Staff expects to receive the site/distance study prior to the Village Council review, or before November 27, 2007. Should there be a concern that requires a change to site plans, Mr. O'Brien stated staff and the Commission would have to review it. On another matter, the Chairman confirmed Buildings 1 through 10 were residential even though the Ogden Avenue Master Plan called for business use. Staff's opinion was that it was not unusual to see townhomes separate single-family homes from commercial use since they was less of an impact and also to ensure that the special uses do not have an impact on the health, welfare and safety of the neighborhood. Contrarily, Buildings 11 through 18 were on land zoned for single-family homes. This portion of the development would be adjacent to a single-family neighborhood. Staff believes the townhomes on the southern part of Lot 8 were providing the additional buffer to the commercial uses.

Chairman Jirik asked that the petitioner speak.

Mr. Nathan Bryant, Bradford Real Estate, 10 S. Wacker Drive, Chicago, Illinois, on behalf of the petitioner, introduced representatives for McDonalds, Aldi, Bradford team members, legal counsel, and engineers. Mr. Bryant confirmed much of the proposed plan has resulted from neighborhood input. He reviewed the history of Bradford Real Estate and his firm's goals for the project. His reviewed how the development correlates to the Ogden Avenue Corridor Plan and the fact that the site by itself is not deep enough to support a big box commercial use nor short enough to allow for long row commercial uses, and, therefore, the zoning becomes midway between the two zonings. The proposed development also works with the current market conditions and meets the goals of the Village's corridor plan.

Regarding the contamination mitigation, Mr. Bryant stated the contamination has been located and the petitioner's report has been submitted to the IEPA. The petitioner is removing the contamination. A review of the transition of the development followed, calling attention to the buffer zones and open space created. Per Mr. Bryant, the developer is looking to the Police and Fire Departments on how to restrict vehicle access to the proposed bike/pedestrian trail.

In discussing traffic, Mr. Bryant stated the developer is limiting direct driveway connections to Ogden Avenue to reduce traffic but also focusing on the internal connection points between lots thereby connecting parking lots for vehicles. The proposed signal at Lee and Ogden will allow safe left turns onto Ogden Avenue. The existing traffic patterns and expected traffic patterns indicate that traffic is and would be going to and from Ogden Avenue. He stated minimal additional traffic on Lee Avenue was expected because most of the traffic coming to the development from Lee Avenue would be from the current residents of the neighborhood. However, Mr. Bryant acknowledged the development was not limiting the ability for residents to get back into their neighborhood, and he was willing to work through it. He discussed the positive recommendations from the neighbor's input as it relates to repositioning the townhomes and creating a larger buffer zone.

Discussing the decorative wall along that same area, Mr. Bryant indicated the developer would like to mix it up with a variety of plants, evergreens, and hills to make it a decorative screening. Details

followed. He discussed how the development meets the corridor standard for creating a uniform design framework and discussed the aesthetics between buildings, materials, colors, and space.

Mr. Nate Wynsma, with Remington Homes, Elgin, Illinois, the proposed townhouse builder, discussed some of the challenges he faced in creating a uniform look for the residential portion of the site while still maintaining a transitional area. Elevations of the townhomes were presented and reviewed in more detail. Per a question, he explained the build-out schedule is based on the pre-sale of the units and expects the site to be a three-year project. As to considering single-family as opposed to townhomes, Mr. Wynsma stated the townhomes were a good transition of land use. Having single-family would not be economically feasible and no other access existed to connect to the nearby single-family subdivision other than within the development.

Discussing the in and out vehicular movement to the site, Mr. Luey Aboona, KLOA, Inc., 9575 W. Higgins Road, Rosemont, explained 50% to 55% of the traffic from the neighborhood will be traveling east/west on Ogden Avenue; 40% will be traveling to/from the east on Ogden Avenue and the balance will use the Lee Street connection to the south. Mr. Aboona said the study consists of reviewing existing travel patterns in the area and the interchanges of the Tollway system. Use of the train/public transportation had not been considered in the study. Mr. Aboona explained that it was assumed all the users of the development would be driving – the worst case scenario. Mr. Aboona discussed the sight distance as it relates to the western access/exit of the site, noting field observations were done but will be looked at again in more detail. Mr. Aboona agreed if a signal were installed at Lee and Ogden, it would attract more traffic because it is a controlled intersection. However, he believed the intersection would have a limited capacity by the end of the day because IDOT will penalize Lee Avenue with limited “green” time; however, he would follow up.

Asked if Mr. Aboona evaluated an alternative where the full ingress/egress may have been placed opposite at Lacey Road with a signal, Mr. Aboona believed staff did discuss that matter with IDOT but IDOT preferred Lee Avenue. Mr. Aboona discussed some of the negatives that may have resulted if the signal were placed at Lacey; i.e., geometrics issues. As to the full access drive and staff’s proposal to make an in-only, Mr. Aboona, did not have initial concerns with the recommendation.

Trip generation for the site was discussed and how it is determined using rates through the Institute of Transportation Engineers. Visitors were included in the trip rates. Visitors will be allowed to park at the private guest parking areas off the shared driveways and alleys. A north/south street will also allow for parking on one side of the street. The ability to park at the commercial uses is also available. Staff clarified that 26 visitor parking spaces were allowed. Mr. Waechtler pointed out that commuters had the option of two train stations, and he believed the 5% to 10% figures allowed for commuters were low.

Per a question to the developer, similar developments constructed in the Chicagoland area included a Des Plaines development but none was as urban or close to train stations. Mr. Aboona stated the townhomes would generate 45 to 50 trips in a one-hour period, and the percentages could be deceiving after looking at the actual numbers.

As to the height of the retaining walls, Mr. Nate Bryant explained the heights were for decorative purposes. As to the masonry on the lower portion of a building, it was used to break up the massing of the building. A general discussion followed on the parking along Ogden Avenue and whether

consideration was given to move those parking spaces to the rear of the building, given the efforts along Ogden to move parking to the rear or side, wherein Mr. Bryant discussed that parking is a function of the use and orientation of the building, and in the proposal the parking was balanced as to the orientation of the building. Mr. Beggs felt that not enough green space was allowed between the traffic and the roadway. Mr. Bryant stated the setbacks met the required zoning as well as the landscaping requirements. Asked if there was a possibility to landscape along Ogden Avenue, Mr. Bryant explained a detailed site plan with a landscaping plan will come through the Plan Commission as a separate submittal by the use and that space has been reserved for landscaping. Mr. Bryant presented a streetscape view of the site from Ogden Avenue, stating his firm envisioned the development to be very green. Mr. Waechtler stated the plans looked very nice.

The Commissioners took a five-minute break at 9:25 p.m. and reconvened at 9:30 p.m.

Chairman Jirik opened up the meeting to public comment.

Mr. Bob Long, 1864 Grant Street, Downers Grove, stated he would provide a presentation and speak to zoning and density issues. He explained on March 31, 1977 he spoke before the Plan Commission in support of the annexation of the eight (8) lots in the proposed development at which time he and other residents asked that the lots be split into six lots with R-3 zoning. The back four lots were landlocked and were residential. Many of his neighbors purchased their homes expecting those lots to remain single-family residential, and they would be disappointed if the lots were turned into townhome zoning. He believed the development offered a bad precedent, and rezoning would devalue the adjacent neighbors. He believed there should be a transition area between the commercial and residential neighborhood but not with townhomes that far south. He voiced concern about not enough guest parking being provided, density and agreed with staff's recommendation to restrict the amount of rentals. He believed the maintenance of the public areas was a considerable amount for the homeowner's association and should be reviewed. Concern was also raised on the length of time the development would take to complete given today's economic market. He believed the sanitary sewer lines should be extended to the property lines at Lee and Grant so that in the future homes can be connected and to avoid tearing up the street. He asked that the utility lines at the western end and the east end be completely buried from Ogden to Grant Street. The park area needed to be better defined.

Ms. Roberta Muehlhaus, 1868 Grant Street, requested that the trees on the site be considered since trees absorb rainwater and keep rain out of basements for those residing on Grant Street and Stonewall and Woodward Avenues. She believes the current forest of trees has kept the air clean from the nearby traffic pollution and has provided protection from lights and business signs on Ogden Avenue. She believes the residents entrusted their leaders to safeguard the residents' interests and safeguard the character of the neighborhood. She believes conservation of land was important. She asked that the R-3 zoning remain on the lots. She invited the Commissioners to walk the property, stating it will be detrimental to the residents and community.

Chairman Jirik noted that trees on private property are not regulated by the Village.

Mr. Mark Peters, 1756 Chicago Avenue, reiterated that the Village should be considering the overall matter of storm water management and believed additional analysis should take place regarding the retention areas. The ponds should be leveled out because they are elevated higher. Regarding traffic on Lee, he acknowledged that the Village is trying to address it, and the residents

appreciate any assistance. He recommends that the Village and the petitioner look at the traffic light on Lee with or without the development because it will be a major traffic concern on Lee Avenue. He asked that an independent traffic analysis be done. He suggested returning a traffic signal at Lacey. If that were done, he then suggested removing any access to the development from Lee Avenue. Mr. Peters reiterated the neighbors were supportive of helping the petitioner resolve traffic issues on Lee Avenue.

Mr. Wes Jaros, 1113 Black Oak Drive, lives north of Ogden and stated he was not part of the neighborhood but was alerted to the development by a neighbor. While he said the development looks good on the surface, he voiced concern about the developer dishonestly changing the development to rental units, citing a development that was proposed at the northeast corner of 31st Street and Highland Avenue. He encouraged the Plan Commission to write a proviso into the agreement with the developer that under no circumstances should low income housing or Section 8 subsidies be allowed in the development.

Mr. Bill Wrobel, 7800 Queens Court, is not adjacent to the site, but is a traffic-calming advocate for the Village. He believes the issue of traffic could be addressed with traffic-calming devices. He invited the Commissioners and neighbors to visit the Promenade of Bolingbrook to view some of their traffic-calming devices.

Mr. Andrew Tecson, 4700 Lee Avenue, did not believe a traffic signal controls vehicle speed. He voiced concerns about safety in general and the fact that the area was very residential. He suggested using cul-de-sacs to limit traffic. He believes the street should remain as designated. For the record, Mr. Tecson stated the traffic expert provided no physical traffic study at the meeting. He asked to defer the project until that information was received and reviewed.

Mr. Kent Conness, 1846 Grant Street, stated the size of the development was significant, and the Commission should not rush into it. The land currently absorbs water. He recommended keeping the R-3 and R-1 zoning and still allow for the absorption of water.

Mr. Tom Drennan, 4501 Cornell Avenue, voiced concern about his decrease in property value and that if the development had residential housing where it was supposed to be, the loss in property value would be less. He recommended installing a barrier to prohibit southern traffic on Lee Street. He voiced concern about the 40 foot height of the townhomes. Since the Village was giving some money towards the project, he believed the residents had some say in the proposal.

Chairman Jirik swore in Mr. Tom Drexler, 4513 Stonewall Avenue. Mr. Drexler summarized the residents' concerns were that the site should remain residential, and they did not favor the traffic. If single-family residential could not be constructed, they did not want 99 townhomes. He discussed the pleasurable environment of the current neighborhood.

Ms. Anita Jencks, 4306 Cornell Avenue, discussed her concerns about lighting, traffic, density and would like the forest and R-3 zoning to remain.

Mr. Dan Dreiser, 4624 Lee Street, voiced concern about traffic on Lee Street and its current designation and what it will become after the development. He discussed a meeting that took place some years ago where the Plan Commission made an exception to BanchoryWoods, whereby no

curbs and gutters were allowed in order to retain the rural character of the neighborhood. He asked that this proposal be given the same consideration.

Mr. Frank Falesch, 820 Prairie, voiced concern that there was not enough parking for the guests.

Mr. John Georgas, 4455 Stonewall, voiced concern about the impact to the school district. Mr. O'Brien explained the developer is required to provide a funding donation to School District 58 (\$63,219), District 99 (\$26,652), and the Downers Grove Park District (\$184,831.00), per the Subdivision Ordinance. Mr. Georgas expressed concern about the marketability of the development as well as the future maintenance of the wetlands by the homeowners association.

Ms. Renee Wilhelm, 4713 Lee Avenue, suggested that the traffic studies consider the safety of children since there are no sidewalks to the nearby park.

Mr. Paul Jencks, 4306 Cornell, moved to the Village 40 years ago because it was small and had a good school system. He is concerned the developer states that build-out will be based on a market-driven basis. He believes some form of agreement should be made to ensure that the property is completed by a certain date. He believes the \$900,000 from the TIF District will take a long time before the Village sees it. He thanked the Commissioners for addressing the overall traffic issue.

Ms. Ann Marie Peters, 1756 Chicago Avenue, agreed with the above remarks but did not know who would purchase a \$350,000 townhome sitting on a former contaminated site sitting next to an Aldi. She asked to see more information on the other businesses that are being proposed for the site.

Mr. O'Brien confirmed that the types of the businesses for Lots 3, 4 and 5 were not known at this time, but would be subject to the use list in the Zoning Ordinance and Redevelopment Agreement.

Ms. Debbie Price, 4439 Stonewall, agreed with her neighbors about the issues of traffic, density, etc. and stated should the project move forward; she had concerns about the street entering into Lot 8 and the fact that the lot will be land-locked.

Mr. Philip Barr, 4605 Puffer Road, preferred to see an Aldi's and McDonalds and believed the shopping center would allow for the remediation of the former junkyard and provide water and sewer infrastructure to the area. However, he believed the density was too costly to pay for the remediation of the former junkyard.

Mr. John Klasing, 4716 Northcott, recalled in the Village's goals for 2007 and the Ogden Master Plan, there is discussion about attracting non-residents to Downers Grove. He believes the Village is not attracting any new businesses by changing the zoning. By converting the B-3 property into residential and splitting it up and making it smaller, he believes the Village is hurting itself. He believed it was a more viable a piece of property if infrastructure was in place. He believed a movie theater, ice-skating rink, sports arena, etc. would attract more people to the area.

Chairman Jirik declared public participation closed.

Hearing no questions from the Commissioners, the Chairman asked if the petitioner had any questions of the public. Mr. Bryant did not have any questions. However, he closed by explaining that the proposal was has been worked on extensively and much thought went into the proposal.

Discussing the traffic issue, he agreed traffic generated from a commercial use was more significant than from a residential use. When initial conversations were discussed with staff to have commercial only, the developer and staff agreed the project was not in line with the corridor plan. He further explained that regional traffic issues were mixed into the site, and he supported the recommendations of KLOA and staff, but pointed out this was the third or fourth traffic study done, and it was revised to the extent that staff asked for it to be revised. The density and transition of the site was appropriate for the area. As to the contamination, he stated lead, arsenic, and heavy metals were not renewable sources of environmental issues. The stormwater facility was beyond the requirements, and the contamination was going to be removed from the water and wetlands. He asked for consideration of the project.

Chairman Jirik opened the discussion to the Commissioners.

Concern was raised on how the contamination would be addressed, and the length of time it would take to prepare the site for construction. Mr. Bryant explained the contamination would be removed during the winter, followed by mass grading of the entire site, followed by installing a buffer, followed by installing a construction pad for the residential units.

Mr. Nate Wynsma, with Remington Homes, explained the infrastructure, detention and wetlands mitigation would follow next in one phase and be completed next year before the residential units began construction. However, a commitment of 54 units to be built within two years, as required by the TIF agreement, existed.

Per a question, Mr. O'Brien explained commencement of construction must begin one year after approval. The build-out time of grading and installation of public infrastructure must be done within a two-year period. If construction has stopped for more than 30 days, the site is considered "abandoned" and then follows an enforcement process wherein the site must return to an engineering standard.

Referring to questions asked about the sewer extension, burying utility lines, and the impact of constructing single-family homes on Lot 8 versus townhomes, Mr. Bryant was not proposing to bury the utility lines but said it could be considered; however, costs existed. As to extending the sewer lines, the Village has always conveyed to him that the sewer lines would be connected to the property only. Lastly, having single-family versus townhomes, he discussed the importance of making the site work well. Single-family was not an option. Mr. Bryant stated he was willing to bring back Lots 4 and 5 to the Plan Commission for review subject to conformance with the overall subdivision. Chairman Jirik reiterated that if the lots were to be reviewed, they would basically be limited to the footprint.

Per Mr. Beggs' question, Asst. Dir. Millette confirmed that part of the Watershed Improvement Plan does cover the area under discussion as well as the entire Village.

Chairman Jirik pointed out the main concerns of this development included 1) Lots 4 and 5 and whether the lots should be expedited or returned to the Plan Commission; 2) is the B-3 zoning getting its full use in Buildings 1 through 10; 3) is there justification to increase the density beyond what is zoned for Buildings 11 through 18; and 4) does the Plan Commission feel there needs to be rezoning for Buildings 11 through 18 or not at all. Chairman Jirik believed Buildings 11, 13, 14, and 15 could be reduced in the number of units while one unit could be added to Building 17.

Overall, the development might lose five or six townhouse units, but those buildings on the perimeter would look more like single-family units and look aesthetically more pleasing.

Other concerns the Chairman felt were important were that the Village Council needed to consider a possible redraw to connect to Lacey Road because, ultimately, the traffic signal on Lee would be causing traffic problems in the neighborhood. Chairman Jirik also believed it was important to know the costs associated with extending the sewer line to Lee Avenue and Grant Street and whether it was economical or not. As to burying the utilities, he did not believe the argument was compelling enough.

Other Commissioner comments included that the development was nice, but traffic was an issue and more studies needed to be completed. The rezoning of Lot 8 was a concern. The lack of desirability for Lot 8 as single-family residential use was a concern. Increasing traffic on Grant was a concern. The full access drive with its site line issues was another concern.

Mr. Beggs did not support the project as presented because he did not believe the stormwater issue has been addressed thoroughly on the site or for the area, wherein the Chairman pointed out the stormwater on the site was to be managed by the development. Mr. Beggs stated the Village should not ignore a Village problem in order to move a project forward, especially after listening to the residents. He did not oppose the project, however. He voiced concern about the obligations to move ahead if TIF money is being put into the project. He supported having more green space.

Discussion followed on how the motion could be made as to the three actions being proposed by staff. Mr. O'Brien explained separate motions could be made. After some discussion, the Chairman favored making one motion. Mr. O'Brien also supported making one motion and suggested that the Commissioners consider the development as one package.

Mr. Quirk favored the petitioner cleaning up the site and creating a development, but the main concern was that no matter what was developed, traffic on Lee would increase significantly. Lot 8 was another concern.

It was pointed out that one of the recommendations from staff was to provide another traffic study and that if the plan changed materialistically, Village Council would determine whether or not the development would have to be remanded back to the Plan Commission.

Due to the size and complexity of the development, the Chairman stated he would allow the Commissioners to discuss their position after the vote.

Mr. Waechtler appreciated the presentation made by the petitioner and for the petitioner meeting twice with the residents. He discussed the Plan Commission's charge to the residents and some of the difficulties encountered when making planning decisions.

WITH RESPECT TO FILE NO. PC-37-07, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR A PLANNED DEVELOPMENT WITH AN EXCEPTIONAL USE, SPECIAL USE AND PLAT OF SUBDIVISION FOR A MULTI-USE DEVELOPMENT INCLUDING NINETY-NINE (99) TOWNHOMES AND COMMERCIAL USES INCLUDING A GROCERY STORE, FAST-FOOD RESTAURANTS WITH DRIVE-

THROUGHS, AND A MULTI-TENANT RETAIL BUILDING WITH A DRIVE-THROUGH AT THE SOUTHWEST CORNER OF OGDEN AVENUE AND LEE AVENUE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PLANNED DEVELOPMENT, SPECIAL USE AND PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE ENGINEERING PLANS PREPARED BY PLAT OF SUBDIVISION PREPARED BY MANHARD CONSULTING, LTD. DATED OCTOBER 11, 2007; ENGINEERING PLANS PREPARED BY MANHARD CONSULTING, LTD. DATED AUGUST 17, 2007, LAST REVISED OCTOBER 12, 2007; LANDSCAPE PLAN PREPARED BY MANHARD CONSULTING, LTD. DATED OCTOBER 3, 2007; STORMWATER REPORT PREPARED BY MANHARD CONSULTING, LTD. DATED OCTOBER 2007; WETLAND AND RIPARIAN REPORTS PREPARED BY TIERRA ECOLOGICAL CONSULTANTS DATED OCTOBER 11, 2007; AND ARCHITECTURAL ELEVATIONS AND FLOOR PLANS EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE TERMS AND USES LISTED WITHIN THE REDEVELOPMENT AGREEMENT.**
- 3. PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL SUBMIT A REVISED TRAFFIC ANALYSIS. THE REVISED ANALYSIS SHALL INCLUDE INFORMATION ABOUT POTENTIAL TRAFFIC TO/FROM THE SOUTH AND AN ANALYSIS OF THE SIGHT DISTANCE FOR THE WESTERN ACCESS DRIVE TO OGDEN AVENUE. THE STUDY SHOULD INDICATE AN OPINION AND ANALYSIS, IF AVAILABLE, OF THE IMPACTS OF THE BELMONT ROAD UNDERPASS.**
- 4. PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR LOT 4 AND/OR LOT 5, THE PETITIONER SHALL SUBMIT FINAL SITE PLANS, LANDSCAPE PLANS AND BUILDING ELEVATIONS FOR PLAN COMMISSION AND VILLAGE COUNCIL REVIEW AND APPROVAL.**
- 5. A FEE IN LIEU OF CONSTRUCTING SIDEWALKS, PAVEMENT WIDENING, INSTALLING CURB AND GUTTER ON THE WEST SIDE OF LEE AVENUE SOUTH OF THE ACCESS BOULEVARD SHALL BE PAID TO THE VILLAGE PRIOR TO THE ISSUANCE OF DEVELOPMENT PERMITS FOR THAT PORTION OF A PUBLIC IMPROVEMENTS WHICH ARE ADJACENT TO THE SUBJECT PROPERTY.**
- 6. PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT PERMITS, THE PETITIONER SHALL MAKE MAXIMUM DONATIONS TO THE DOWNERS GROVE SCHOOL AND PARK DISTRICTS IN THE FOLLOWING AMOUNTS \$274,703.22 (99 THREE BEDROOM UNITS) - \$63,219.42 TO DISTRICT 58, \$26,652.78 TO DISTRICT 99, AND \$184,831.02 TO THE PARK DISTRICT. PAYMENT SHALL BE CONFIRMED BY THE COMMUNITY DEVELOPMENT DEPARTMENT.**
- 7. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR THE TOWNHOUSES, THE PETITIONER SHALL SUBMIT A COPY OF THE HOMEOWNER ASSOCIATION DOCUMENTS IN A MANNER ACCEPTABLE TO THE DIRECTOR OF COMMUNITY DEVELOPMENT. SUCH DOCUMENTS SHALL PROVIDE A RESTRICTION ON RENTAL OF THE TOWNHOME UNITS.**

8. ALL SIGNS SHALL CONFORM TO THE SIGN ORDINANCE.
9. AN AUTOMATIC SPRINKLER SYSTEM SHALL BE INSTALLED THROUGHOUT THE PROPOSED COMMERCIAL BUILDINGS IN A MANNER ACCEPTABLE TO THE FIRE MARSHAL.
10. A MANUAL AND AUTOMATIC DETECTION SYSTEM SHALL BE INSTALLED THROUGHOUT THE PROPOSED COMMERCIAL BUILDINGS IN A MANNER ACCEPTABLE TO THE FIRE MARSHAL.
11. A FIRE DETECTION SYSTEM SHALL BE INSTALLED IN THE TOWNHOME UNITS IN A MANNER ACCEPTABLE TO THE FIRE MARSHAL.
12. ALL STORMWATER, WETLAND MANAGEMENT AND UTILITY PLANS SHALL BE PREPARED IN A MANNER ACCEPTABLE TO THE DIRECTOR OF PUBLIC WORKS PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT PERMITS.
13. PRIOR TO ISSUANCE OF ANY DEVELOPMENT PERMITS, THE PETITIONER SHALL SUBMIT A MYLAR COPY OF THE PLAT OF SUBDIVISION FOR SIGNATURE. THE PLAT SHALL BE REVISED TO INCLUDE THE REMAINDER OF THE PARCELS COMMONLY KNOWN AS 1852 GRANT STREET. THE PLAT OF SUBDIVISION SHALL BE RECORDED WITH THE DUPAGE COUNTY RECORDER AND THREE (3) COPIES OF THE RECORDED PLAT SHALL BE SUBMITTED TO THE VILLAGE.
14. THE FOLLOWING MODIFICATIONS SHALL BE MADE TO THE PLANS PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS:
 - A. TRUCK TRAFFIC ON LEE AVENUE SHALL BE LIMITED TO INBOUND AND NORTHBOUND TURNING MOVEMENTS. A SIGN SHALL BE ADDED TO THE ENGINEERING PLANS INDICATING THIS RESTRICTION.
 - B. THE PETITIONER AND END-USERS OF THE PROPERTY SHALL ENDEAVOR TO COMPLY WITH ANY TRUCK AND/OR WEIGHT LIMITATIONS PLACED ON LEE AVENUE.
 - C. THE NORTH-SOUTH LEG OF THE ACCESS DRIVE ON LOT 8 SHALL BE INCREASED IN WIDTH FROM TWENTY-SIX (26) FEET TO TWENTY-SEVEN (27) FEET AS MEASURED FROM BACK OF CURB TO BACK OF CURB.
 - D. DETAILS FOR THE PEDESTRIAN/BICYCLE/EMERGENCY ACCESS TO GRANT STREET SHALL BE SUBMITTED IN A MANNER ACCEPTABLE TO THE DIRECTOR OF COMMUNITY DEVELOPMENT. SUCH DETAILS SHALL INCLUDE SUPPORT FOR FIRE APPARATUS FOR A MINIMUM WIDTH OF TWENTY (20) FEET AND THE PROPOSED CONNECTION TO THE END OF THE PAVEMENT ON GRANT STREET. DETAILS SHALL BE PROVIDED INDICATING HOW GENERAL VEHICULAR TRAFFIC WILL BE RESTRICTED.
 - E. THE PROPOSED LEE AVENUE ACCESS DRIVE FROM LOT 5 SHALL BE MODIFIED TO ALLOW INBOUND-ONLY TRAFFIC. ADDITIONALLY, THE ACCESS POINT SHALL BE RELOCATED FARTHER SOUTH TO ALIGN WITH THE COMMERCIAL DRIVEWAY FOR 1711 OGDEN AVENUE ON THE EAST SIDE OF LEE AVENUE.
 - F. THE FRONT ELEVATION OF THE TOWNHOME BUILDINGS SHALL BE REVISED IN A MANNER ACCEPTABLE TO THE COMMUNITY

- DEVELOPMENT DIRECTOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE TOWNHOUSE BUILDINGS. STAFF RECOMMENDS PROVIDING MORE VARIATION IN THE ROOF MASSING OR MODIFYING THE BUILDING MATERIALS TO INCLUDE MORE BRICK.
- G. THE PLANS SHALL INCORPORATE STORMWATER BEST MANAGEMENT PRACTICES PER SECTION 26.52.11 OF THE STORMWATER MANAGEMENT ORDINANCE. A NARRATIVE SHALL BE PROVIDED INDICATING HOW THIS REQUIREMENT IS BEING MET.
 - H. THE PLANS SHALL BE REVISED TO INDICATE PUBLIC SIDEWALKS ALONG OGDEN AVENUE ADJACENT TO LOT 1. ADDITIONALLY, THE PLANS SHALL BE REVISED TO INCLUDE PUBLIC SIDEWALKS ALONG OGDEN AVENUE AND LEE AVENUE ADJACENT TO LOT 5.
 - I. THE LOCATIONS AND SCREENING FOR TRASH COLLECTION AREAS SHALL BE PROVIDED.
 - J. A PHOTOMETRIC PLAN SHALL BE PROVIDED FOR THE ENTIRE SITE. ALL LIGHTING SHALL BE DIRECTED AWAY FROM NEIGHBORING RESIDENTIAL PROPERTIES. THE PLAN SHALL INDICATE A MAXIMUM OF 0.10 FOOTCANDLES AT THE SOUTH, EAST AND WEST PROPERTY LINES.
 - K. ALL PROPOSED RETAINING WALLS GREATER THAN THREE (3) FEET IN HEIGHT SHALL BE SUBMITTED AND SEALED BY AN ILLINOIS-LICENSED STRUCTURAL ENGINEER.
 - L. ALL PROPOSED INSTALLATION OF LANDSCAPING AND/OR REMOVAL OF THE PARKWAY TREES IN THE VILLAGE RIGHTS OF WAY SHALL BE REVIEWED AND APPROVED BY THE VILLAGE FORESTER. FEES FOR ANY REMOVAL OF TREES WILL BE ASSESSED AT THE TIME OF BUILDING PERMIT ISSUANCE.
 - M. ALL PLANS FOR INSTALLATION OF AND CONNECTION TO PUBLIC UTILITIES SHALL BE PROVIDED IN A MANNER ACCEPTABLE TO THE DIRECTOR OF PUBLIC WORKS.
 - N. APPROVAL FROM THE DOWNERS GROVE SANITARY DISTRICT SHALL BE OBTAINED.
 - O. A PERMIT FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION IS REQUIRED FOR THE WORK WITHIN THE OGDEN AVENUE RIGHT OF WAY. A COPY OF THE APPROVED PERMIT SHALL BE PROVIDED. THE VILLAGE WILL OBTAIN THE PERMITS ASSOCIATED WITH THE PROPOSED TRAFFIC SIGNAL AT THE INTERSECTION OF OGDEN AVENUE AND LEE AVENUE.
 - P. AN IEPA WATER PERMIT IS REQUIRED FOR THE WATER MAIN CONSTRUCTION. ALL COPIES OF THE APPROVED PERMITS SHALL BE PROVIDED TO THE VILLAGE.
 - Q. MUNICIPAL FIRE HYDRANTS SHALL BE LOCATED WITHIN 100 FEET OF ALL FIRE DEPARTMENT CONNECTIONS IN ACCORDANCE WITH V.O.D.G. 903.11
 - R. THE LOCATION OF THE FIRE DEPARTMENT CONNECTIONS SHALL BE APPROVED BY THE VILLAGE. COMPLETE AND UNINHIBITED

ACCESS TO THE FIRE DEPARTMENT CONNECTIONS SHALL BE MAINTAINED AT ALL TIMES. 2000 IFC 903.3.7, 912.2, & 912.3.

S. AN APPROVED OUTSIDE KEY BOX SHALL BE INSTALLED FOR ALL SPRINKLER ROOMS IN AN ACCESSIBLE AND APPROVED LOCATION. 2000 IFC 506.1

15. THE DENSITY OF THE TOWNHOMES IN BUILDINGS 11-15 ON LOT 8 SHALL BE REDUCED

16. THE PETITIONER SHALL SUBMIT A REVISED TRAFFIC ANALYSIS INDICATING THE IMPACTS ON LEE AVENUE OF THE TRAFFIC SIGNAL AT THE INTERSECTION OF OGDEN AVENUE AND LEE AVENUE. THE STUDY SHALL INCLUDE AN ANALYSIS OF THE IMPACTS TO LEE AVENUE IF THE SIGNAL WERE AT AN ALTERNATIVE LOCATION – SPECIFICALLY LACEY ROAD AND THE PRIMARY FULL ACCESS ROAD TO THE PROJECT WHICH WOULD BE SHIFTED EAST TO ALIGN WITH LACEY ROAD TO MAKE THE INTERSECTION A FULL FOUR-WAY INTERSECTION.

MOTION WAS SECONDED BY MR. COZZO.

As to the traffic signal placement at Lacey, Mr. Millette stated it was discussed with IDOT last year and not enough traffic on Lacey existed to warrant a traffic signal. The Chairman pointed out the motion on that matter was to obtain a study and not a specific plan of installing the light.

Mr. Waechtler believed the petitioner should look at how the density will be reduced and if it fits with the developer's plan and is agreeable to the residents, then let them work it out. Mr. Matejczyk believed the traffic study should include the impact to the neighborhood.

ROLL CALL:

AYE: MR. WAECHTLER, MR. COZZO, MR. MATEJCZYK, MR. QUIRK, CHAIRMAN JIRIK

NAY: MR. BEGGS

MOTION CARRIED. VOTE: 5-1

Mr. Beggs stated he voted Nay based on his earlier remarks. No other comments followed.

Chairman Jirik encouraged the residents to attend the Village workshop for this matter, which is scheduled for November 27, 2007.

Mr. O'Brien stated the Village does have a meeting tomorrow night to discuss the remand of a portion of the Fairview Village expansion project to the Plan Commission. Chairman Jirik will also be meeting informally with the mayor to collaboratively develop an agenda. No set date has been set.

MR. COZZO MOVED TO ADJOURN THE MEETING. MR. QUIRK SECONDED THE MOTION. THE MEETING ADJOURNED AT 11:58 P.M.

APPROVED 12/03/07

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, DECEMBER 3, 2007, 7:00 P.M.

Chairman Jirik called the December 3, 2007 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah

ABSENT: Mrs. Hamernik, Mr. Waechtler, Mr. Webster

STAFF PRESENT: Jeff O'Brien, Senior Planner; Stan Popovich, Planner, Damir Latinovic, Planner, Tom Dabareiner, Director of Community Development

VISITORS: Mark Thoman, 1109 61st Street, Downers Grove; Tim & Donna Aikens, 4618 Cross Street, Downers Grove; Mark & Janell Heinstagot, 4420 Cross Street, Downers Grove; Alex J. Martel, 1733 W. Roscoe, Unit 2E, Chicago; Todd & Martha Richardson, 4416 Cross Street, Downers Grove; Bill Dwyer, 4507 Cross Street, Downers Grove; Mike Jackson, 4421 Cross Street, Downers Grove; Claire Roth, 4409 Cross Street, Downers Grove; Thad Gleason, 769 Heartland Drive, Sugar Grove

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

MINUTES OF THE NOVEMBER 5, 2007 - Minutes of November 5, 2007 Plan Commission meeting were approved on motion by Mr. Matejczyk, seconded by Mr. Cozzo. Motion carried. Vote: 6-0.

Chairman Jirik proceeded to explain the protocol for the meeting.

FILE NO. PC-32-07 A petition seeking an Amendment to Chapter 28 of the Municipal Code-Zoning Ordinance, Article 28.201 Definition of "Recycling Collection Facility"; Village of Downers Grove, Petitioner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-32-07.

Mr. Jeff O'Brien, Senior Planner explained the petition. He indicated the proposal was part of the Village's efforts to modify the regulations surrounding recycling collection facilities. He provided some background on the previous amendments that had been reviewed by the Plan Commission and Village Council. He noted the Council enacted a separation distance requirement in October 2007.

Mr. O'Brien stated the Village Council gave staff direction to draft a modified definition for recycling collection facilities. He indicated staff originally presented a definition that included construction and demolition debris facilities; however, the Council directed staff to propose separate definitions for facilities collecting household recyclables and construction material. He stated the proposed definition refers to the State's definition of construction and demolition debris facilities. The proposed amendments would exclude these types of facilities from locating within Downers Grove.

Mr. Matejczyk inquired if this definition was developed based on Council direction and if the Village Attorney had approved it. Mr. O'Brien confirmed it was on both counts. Mr. Beggs inquired if this would affect the Village's curbside recycling program. Mr. O'Brien noted this definition would not affect the curbside program but was intended to regulate construction debris in large dumpsters on construction sites. He noted small items with stickers would be collected and discarded in the same way.

Chairman Jirik suggested making some modifications to the proposed definition to better define the definition and close any potential loopholes. He made suggestions to add 'post consumer,' 'cardboard' and 'household hazardous waste.' He wanted to ensure household paint and motor oil could still be discarded in the same way it currently is discarded. He wondered if words within the definition should be further defined. Mr. O'Brien noted staff wanted to balance the stricter environmental regulations with a broader zoning definition. He noted the Village did not want to default to State regulations anymore than the Village has to.

Mr. Beggs asked what would happen if the State's regulations changed. Mr. O'Brien noted the regulations are referenced and if they changed, the Village's would change. He noted staff originally looked at separate definitions, but was not comfortable adding a definition to the Zoning Ordinance if the use was not permitted

Chairman Jirik opened up the meeting to public comment.

Mr. Mark Thoman, 1109 61st Street, urged a positive recommendation for this petition. He noted the first sentence mimics the State code and the definition has a rationale basis. This definition corrects previous deficiencies that were visible in past-proposed definitions. He believes this definition accomplishes the Council's goal.

Chairman Jirik declared public participation closed.

Mr. Matejczyk believes consistency in the definition is needed and did not want to create a hodgepodge of definitions. He believes staff's recommended definition should be forwarded with a positive recommendation.

Chairman Jirik clarified the difference between 'post-consumer' and 'post-industrial' noting he wished to close any loopholes that may arise based on this definition. He noted he was comfortable with the proposed language regardless of his earlier suggestions. Mrs. Rabatah inquired if staff was concerned with challenges. Mr. O'Brien noted this definition mirrors the State's definition, and the definition is clearly talking about household recyclables, not construction debris.

WITH RESPECT TO FILE NO. PC-32-07, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE DEFINITION OF A 'RECYCLING COLLECTION FACILITY' AS NOTED ON PAGE 2 OF THE STAFF REPORT DATED DECEMBER 3, 2007.

MOTION WAS SECONDED BY MRS. RABATAH

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

FILE NO. PC-36-07 A petition seeking 1) an Amendment to Planned Development #8 Meadowbrook Shopping Center; 2) Special Uses for a drive-up window and an outdoor café; and 3) Final Plat of Subdivision for property located in the Meadowbrook Shopping Center at the intersection of 63rd Street and Woodward Avenue, Downers Grove, IL (PIN 08-24-202-005); Thad Gleason, Gleason Architects, Petitioner; Arun Enterprises, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-36-07.

Mr. Stan Popovich, Planner explained the petitioner is requesting a Final Planned Development Amendment, a Plat of Subdivision, and Special Uses for a drive-through and outdoor café. A two-thirds of an acre parcel would be subdivided out of Lot 3 within the Meadowbrook Shopping Center to construct a Dunkin' Donuts restaurant on the lot. The building would be centered on the out lot and would provide a drive-through on the south side of the building and an outdoor café on the east side.

The proposal meets the parking standards, open space and other bulk requirements of the zoning ordinance. Engineering improvements include site grading and new utility services. If approved, the building will be required to have an automatic sprinkler system and an automatic and manual detection system. The proposed signs currently do not meet the requirements of the Sign Ordinance but will be required to comply at the time of building permit application. There is an existing shopping center monument sign on the parcel, which will be required to be on Lot 2 if the petitioner wishes to have a monument sign on the out lot. This would require a revised Plat of Subdivision.

The Plat of Subdivision complies with the Subdivision Ordinance but may need to be revised. Additionally, the petition complies with the Future Land Use Map, but staff does not believe it is consistent with Village goals. The 2006 Strategic Plan identifies vibrant major commercial corridors as a 2011 Downers Grove goal with upgraded existing and aged commercial buildings as an objective. Mr. Popovich noted the property owner's letter on the dais stating his desire to work with the Village on a plan.

The Village believes the Meadowbrook Shopping Center is a key component in creating a vibrant 63rd Street commercial corridor. However, the existing Meadowbrook Shopping Center is in a general state of disrepair and is in need of significant upgrades and improvements to become a contributing factor to a vibrant commercial corridor. Through a comprehensive redevelopment, the site can become the key component in creating a vibrant 63rd Street commercial corridor.

Staff does not believe the standards for a Planned Development or Special Use approval have been met. The proposal does not comply with the planning objectives of the Village. The Village's object for the Meadowbrook Shopping Center is a comprehensive redevelopment of the center to

spur additional investment in the center and the 63rd Street corridor. Staff does not believe it is in the Village's best interest to create an out lot without a comprehensive redevelopment plan.

Staff does not believe the proposal will contribute to the general welfare of the neighborhood. The Meadowbrook Shopping Center is in need of a comprehensive redevelopment, and the creation of an out lot will not spur the center's comprehensive redevelopment. The approval of an out lot will only serve to maintain the shopping center in its current state. A comprehensive redevelopment of the shopping center, which provides additional retail opportunities to the neighborhood, is desirable and would be beneficial to the community.

Staff reiterated the proposal is not consistent with the Village's Strategic Plan to create vibrant commercial corridors and to upgrade aged commercial buildings. The out lot will not reestablish Meadowbrook Shopping Center as a vibrant commercial center or create a vibrant 63rd Street corridor.

Staff recommended the Plan Commission forward a recommendation to deny the petition to the Village Council.

Mr. Matejczyk asked staff if they could explain what a Comprehensive Plan for this property means. Mr. Popovich replied the comprehensive plan should show how the entire property will be improved as it is in need of comprehensive redevelopment. The petition does not include any changes to the existing building on site.

Mr. Beggs asked if staff had any contact with the property owner and if the Comprehensive Master Plan for the entire property is planned any time soon. Mr. Popovich said there have been discussions between staff and the property owner, but no definite dates or plans have been submitted to the Village.

Mr. Cozzo inquired if such a comprehensive plan would include out lots. Mr. Popovich confirmed there is a good likelihood that it would, as shopping centers of this size typically do have out lots.

Mr. Matejczyk asked staff if they believe the property owner is willing to work with staff on this. Mr. O'Brien answered by saying that for the last year both the Economic Development Corporation as well as the Village Manager's office have had discussions with the property owner on what the Village's expectations are for this property as outlined in the Strategic Plan and the need for a Comprehensive Plan. This is not news to the property owner.

Mr. Matejczyk said he understands staff's comments and position on this. The Village does not want to see development of small pieces of land separate from each other. Mrs. Rabatah asked if the Comprehensive Plan would look at traffic patterns. Mr. Popovich replied by saying it would have to include everything: traffic counts, circulation, building enhancement, setbacks etc.

Mr. Beggs pointed out that the shopping centers along 75th Street, both in the Village and outside the Village, have a number of out lots along 75th Street. Mr. Beggs asked staff if they know what is a typical life span of such buildings and why would something like that be detrimental for the Meadowbrook Shopping Center. Mr. Popovich said that such out lots are not detrimental to a shopping center if they are part of larger plans for the overall look of the shopping center. He said that parceling off pieces of land within these large shopping centers without the general

comprehensive plan is not consistent with Village's goal for a vibrant commercial corridor along 63rd Street.

Mr. Beggs asked about the design of the shopping centers and if there are any plans for the gas station on the corner. Mr. O'Brien said staff is not aware of anything.

Chairman Jirik added the board has to determine whether the proposal in front of them is an incremental step toward improving the shopping center or a step backward. He pointed out that the economy is in a bad shape right now and it could get even worse. He would be hesitant to reject an advantageous development.

Mr. O'Brien said that the property is unique in that it is a large piece of land, zoned for commercial use in a good location within the Village and in a Planned Development, which gives additional control over its development. There is vacant or underutilized retail space within the existing shopping center that should be utilized before creating a new, separate retail building and a new lot.

Mr. Cozzo asked if the new building will be on a separate parcel, and Mr. Popovich replied that it would be.

Mr. Beggs asked who will be the owner of the out lot and what the business plan is for Dunkin' Donuts. Mr. Popovich deferred the question to the petitioner.

Chairman Jirik invited the petitioner to present their petition.

Mr. Thad Gleason, Gleason Architects, represented the petitioner and noted the petitioner, the owner of the proposed building, is a franchisee in this area and owns other Dunkin' Donuts restaurants in the area. He noted the site is in an ideal location for Dunkin' Donuts. He noted the property owner had provided an indication he was willing to work with the Village on a redevelopment of the site and that the proposal meets all zoning requirements.

Chairman Jirik opened up the meeting to public comment. There being none, Chairman Jirik declared public participation closed.

Mr. Matejczyk felt this is a sensitive area as the Village may be intruding in a property owner's business plan. The owner may have plans for the site of which the Village is not aware. The petitioner answered all his concerns, and any other plans for the site are not the issue.

Chairman Jirik acknowledged that everyone would benefit if the center were redeveloped. He questioned what is to stop the Village from asking for one retailer over another. It is a very large parcel and economics drive sales and development. He is conflicted and wonders what would happen if it takes 20 years for the site to redevelop.

Mr. Matejczyk questioned what a comprehensive redevelopment was and how involved staff should be. Chairman Jirik noted there is value to a large site, and a big box store and out lots could be built. He asked what the potential impairments of the large commercial site would be.

Mr. Beggs wondered if the Village had a statutory basis to limit the uses to a comprehensive redevelopment. He did not think so and is troubled about the ownership of the proposed out lot. He

could see the out lot being a negotiating chip. He is uncomfortable with the statutory requirements and the ownership of the out lot. He believes it needs to be worked out with the Manager’s Office, but that the property owner should be able to develop the property how he sees fit.

Mr. Cozzo noted he was in favor of the request. The petitioner has met all the requirements and should be able to develop his property as he sees fit. He is not convinced of the comprehensive redevelopment and believes the out lot may not deter future development.

Mrs. Rabatah disagreed noting out lots on the corners of the parcel are not that big of a deal, but an out lot in the middle could restrict redevelopment plans. She stated it would have been nice if the property owner were present.

WITH RESPECT TO FILE NO. PC-36-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A NEGATIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, SPECIAL USE FOR A DRIVE-THROUGH USE, AND SPECIAL USE FOR AN OUTDOOR CAFÉ AT THE MEADOWBROOK SHOPPING CENTER.

MOTION FAILED FOR LACK OF A SECOND.

WITH RESPECT TO FILE NO. PC-36-07, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD TO THE VILLAGE COUNCIL A RECOMMENDATION TO APPROVE THE FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, SPECIAL USE FOR A DRIVE-THROUGH USE, AND SPECIAL USE FOR AN OUTDOOR CAFÉ AT THE MEADOWBROOK SHOPPING CENTER WITH THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLANNED DEVELOPMENT AMENDMENT, PLAT OF SUBDIVISION, AND SPECIAL USES (DRIVE-THROUGH AND OUTDOOR CAFÉ) SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY GLEASON ARCHITECTS, P.C. DATED MAY 21, 2007; THE PRELIMINARY ENGINEERING PLANS PREPARED BY DAVE JOHNSON AND ASSOCIATES, LTD. DATED AUGUST 14, 2007; THE PRELIMINARY LANDSCAPE PLANS PREPARED BY HELLER & ASSOCIATES, LLC DATED AUGUST 22, 2007; THE PLAT OF EASEMENT AND PLAT OF RESUBDIVISION PREPARED BY DAVE JOHNSON AND ASSOCIATES, LTD. DATED AUGUST 20, 2007, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PROPOSED BUILDING SHALL HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
- 3. THE PROPOSED BUILDING SHALL HAVE A MANUAL AND AUTOMATIC DETECTION SYSTEM INSTALLED THROUGHOUT. THE DETECTION SYSTEMS SHALL BE TIED INTO THE DOWNERS GROVE ALARM BOARD. ALL AREAS OF EACH BUILDING SHALL BE PROTECTED.**
- 4. THE KITCHEN SHALL HAVE A COMPLETE HOOD AND DUCT SYSTEM.**

- 5. **BEST MANAGEMENT PRACTICES FOR STORMWATER SHALL BE IMPLEMENTED ON THE SITE.**
- 6. **A STORMWATER EASEMENT SHALL BE PROVIDED FOR ALL STORMWATER FACILITIES LOCATED WITHIN THE MEADOWBROOK SHOPPING CENTER.**
- 7. **STORM SEWER CALCULATIONS INCLUDING HYDRAULIC GRADE LINES SHALL BE SUBMITTED FOR THE ON-SITE STORM SEWER.**
- 8. **OVERLAND FLOW PATHS SHALL BE PROVIDED AND SHOWN ON THE GRADING PLAN FOR THE 100-YEAR STORM EVENT.**
- 9. **A PHOTOMETRIC PLAN SHALL BE SUBMITTED AND APPROVED PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT PERMITS.**
- 10. **THE EXISTING MEADOWBROOK SHOPPING CENTER SIGN ON LOT 3 SHALL BE REMOVED AND RELOCATED OR THE PLAT OF SUBDIVISION SHALL BE REVISED TO SHOW THE EXISTING MONUMENT SIGN BEING LOCATED ON LOT 2 OF THE MEADOWBROOK SUBDIVISION. IF THE PLAT IS MODIFIED A NEW PLAT OF SUBDIVISION FOR LOT 2 SHALL BE PREPARED.**
- 11. **THE PROPOSED SIGNAGE SHALL COMPLY WITH THE SIGN ORDINANCE.**
- 12. **PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE ONE (1) PAPER COPY AND ONE (1) MYLAR COPY OF A PLAT OF SUBDIVISION.**
- 13. **PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE ONE (1) PAPER COPY AND ONE (1) MYLAR COPY OF A PLAT OF EASEMENT IDENTIFYING THE LOCATION OF ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS, INCLUDING A FIVE (5) FOOT EASEMENT ALONG ALL EAST AND WEST PROPERTY LINES AND A TEN (10) FOOT EASEMENT ALONG THE SOUTH PROPERTY LINE.**

MOTION WAS SECONDED BY MR. MATEJCZYK

ROLL CALL:

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

NAY: MR. BEGGS

MOTION CARRIED. VOTE: 5-1

Mr. Beggs noted he voted against the petition due to the inexactness of the petition.

FILE NO. PC-38-07 A petition seeking annexation and rezoning from County R-4, Single Family Residential to Village B-3, General Services and Highway Business for the property located on the West Side of Cross Street, approximately 169 feet south of Ogden Avenue, commonly known as 4412 Cross Street, Downers Grove, IL (PIN 08-01-305-022); Alex J. Martell, III, Owner/Petitioner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-36-07.

Mr. Damir Latinovic, Village Planner explained the petition. He provided a description of the property and its current zoning. Mr. Latinovic explained the property was currently vacant, and a

single family home had been demolished in 2005. He noted the site was zoned R-4 per the DuPage County Zoning Ordinance. The Village's Future Land Use Map designates the property as commercial. Mr. Latinovic explained the petitioner was proposing to annex the property to Downers Grove and rezone it to B-3, General Services and Highway Business upon annexation. He stated properties annexed to the Village are automatically zoned R-1, Single Family Residence unless a rezoning is requested as is the case with this petition.

Mr. Latinovic explained that Future Land Use Map and Ogden Avenue Master Plan envision commercial uses on this property to increase the depth of properties on Ogden Avenue. He noted the additional depth would help achieve the goals of these documents by creating larger buffers to the adjacent residential uses.

Mr. Latinovic stated that staff believes the proposal is consistent with the Future Land Use Map and Ogden Avenue Master Plan. He noted the proposal met the standards for rezoning in the Zoning Ordinance and that staff recommended approval of the petition.

With no questions for the staff, Chairman White invited the petitioner to present.

The petitioner, Mr. Alex Martel, 1733 W Roscoe, Chicago, stated he bought the property in 2004. He originally proposed to build a house on the property, but after consulting with several architects and builders and reviewing the Village's Future Land Use Plan, he determined it would not be feasible. Mr. Martel indicated he decided to request a rezoning of the property after reviewing the Village's plan.

Mr. Beggs asked if there were any plans to develop the property. Mr. Martel stated he did not have any development plans at this time.

Chairman Jirik confirmed that the petition only included an annexation and rezoning. Mr. Martel stated those were his only requests.

Chairman Jirik opened up the meeting to public comment.

Mr. Todd Richardson, 4416 Cross Street noted he is immediately south of the proposed annexation. He wants to keep his property and the petitioner's property as residential and does not support the rezoning to B-3. He does not believe it is a compatible use because the landscape company immediately to the west of him is bad. He noted he has called the Village numerous times regarding the landscaping company, but no one does anything about the problems. He asked for clarification of the type of uses that could be placed within a B-3, and staff informed him of some of the uses listed as permitted on this property if rezoned.

Mr. Richardson noted he preferred a smaller, quiet, non-polluting strip mall as opposed to mechanical uses such as the landscape company to his west. He did not want any automobile uses.

Mr. O'Brien noted the automobile uses Mr. Richardson is concerned about require a Special Use and would require additional Village Council approval.

Mr. Richardson noted drainage problems in the area and was assured Village staff reviews all proposed engineering and drainage plans. He was concerned about buffering commercial uses from

residential uses. Village staff then assured the petitioner all future development plans would be reviewed by staff to ensure their compliance with Village Codes and Ordinances. Staff explained buffering is accomplished through a transitional yard that reflects the residential setbacks of the neighboring property. Staff noted in order to properly buffer residential uses from Ogden Avenue, additional depth along Ogden Avenue is needed.

Mr. Richardson was concerned the Village would approach him to rezone his property if 4412 Cross Street is rezoned. Chairman Jirik explained the differences between the Zoning Map and the Future Land Use Map (FLUM) and noted the Village would not be approaching Mr. Richardson to rezone his property. Mr. Richardson reiterated that he is going to stand up for his rights and for the safety of children in the area. He noted the petitioner removed trees from 4412 Cross which ruined his buffer from Ogden Avenue. He believes the property at 4412 Cross still has residential potential, and he is opposed to the rezoning.

Mr. Mark Heinstagot, 4420 Cross Street, questioned two findings of fact within the staff report. He noted the extent to the zoning regulations affecting property values. He is a homeowner and is concerned with the effect of this project on his property values. He sees empty spaces along the north side of Ogden that should be developed instead of this one, and he wants to be as far away from business uses as possible.

Mr. Heinstagot questioned standard five, which was the length of time the property has been vacant as currently zoned. He noted several teardowns and new builds in the area and believes the petitioner has artificially inflated his sale price on the residential market to meet this standard. He questioned how time could be factored into this decision.

Chairman Jirik noted the rest of the standard is *considering the context of land development in the vicinity*. The Chairman noted it was important to consider the context. Mr. O'Brien confirmed the standards in the Village's ordinance mirror the LaSalle-Sinclair standards that are used throughout the country. The standards try to address the viability of zoning classifications and land uses in the context of the neighborhood.

Mr. Heinstagot wondered if the petitioner's asking price for the land is public record. Chairman Jirik noted the length of time is but not the asking price. Mr. Heinstagot believes the petitioner artificially inflated his residential asking price to meet the rezoning standards. Per Mr. Heinstagot's question, staff clarified the distance of a transitional yard for a buffer.

Mr. Tim Aikens of 4818 Cross Street sympathized with the petitioner but expressed his concerns regarding the towing business located at 2525 Ogden Avenue. It was formerly a construction company but now it is used as a towing business. He does not want this type of use going onto the petitioner's property. He is worried about the increased traffic on Cross and the harmful effects this may have on the children in the neighborhood, as many people already use Cross Street as a cut-through street. He reiterated his disapproval of the proposed petition.

Chairman Jirik noted this petition does not approve a particular use for the property. The particular use will either be a permitted or special use and would require either staff approval or Council approval. He noted the property at 2525 Ogden Avenue is not a part of the Village and, therefore, the Village has no jurisdiction over the existing use at that location.

Mr. Bill Dwyer, 4507 Cross Street, noted he has lived in the neighborhood for 25 years and lived in the Village before that. He stated there is a big difference between Village streets and Cross Street. Cross Street is narrow with no sidewalks and lights, and increased traffic may ruin lives. He noted many low-lying areas that flood and is concerned with lowering property values. He does not believe the petition is in the benefit of the public health, safety, and welfare. He believes any development in this location is bad.

Mr. Mike Jackson, 4421 Cross Street, had three questions for the petitioner. He wondered what the reasons the petitioner's architect gave for not constructing residential. Did the petitioner obtain core samples of the property prior to purchase? Is there a sale of the property that is contingent on obtaining zoning approval? Chairman Jirik noted a contingent sale dependent on the annexation and rezoning of the property was not in the purview of the Commission. Mr. Jackson noted his opposition to the petition based on the increased traffic.

Ms. Claire Roth, 4409 Cross Street, expressed concern that the Village has done nothing about the property at 2525 Ogden Avenue even though the owner of that property has a car dealership in Downers Grove. Chairman Jirik again explained how the Village could not enforce its codes in a separate governmental jurisdiction. Mr. O'Brien noted Village Code Enforcement Officers could go to the site but would have to forward any findings to the County for the County to enforce.

Ms. Roth asked where the Ogden Avenue Master Plan (OAMP) could be found. Staff noted the OAMP was created in 2001 with public hearings and could be found on the Village's website. Ms. Roth stated she has a car dealership next to her and there is no such thing as a buffer zone. She noted the tall fence the dealership put up, and how the dealership pushes water onto her property, flooding it. She noted there is no sewer in the area to protect people.

Ms. Roth preferred that the petitioner be annexed into the Village but stop at rezoning because the petitioner has no immediate plans to open a business on the lot. She believes the petitioner should request a rezoning later. Ms. Roth believes there is something more going on in the neighborhood as she has also been approached to sell her property.

Mrs. Martha Richardson, 4416 Cross Street, lives in unincorporated Downers Grove and believes the Village is treating her family unfairly. She has complained about the landscaping business located on Drendel, immediately west of her, and nothing has happened. She stated the landscaping business has flooded her property and others, and the Village is not willing to help her. She provided the Commission with a poster of photographs regarding the landscaping business.

Mrs. Richardson asked if the Commission was concerned about the children and residents in the area because the landscaping business is putting her children at risk, as did the petitioner when he cut down the trees on the property at 4412 Cross. She has notified the Village and County numerous times but nothing is being done to help her. Mrs. Richardson said landscape machinery fumes are bad in the summer, and her children cannot play outside because of them. She noted her property has no buffer zone from the landscaping company. She does not believe B-3 zoning should be brought into the neighborhood when there are existing issues that need to be addressed. Mrs. Richardson noted she is against B-3 zoning and thinks it will be a health hazard. Chairman Jirik noted Code Enforcement should be made aware of the situation on Drendel. Mr. O'Brien noted he was not familiar with the complaints, but there could be numerous reasons why the Village could not do anything about the landscaping business. Mr. O'Brien stated Code

Enforcement had not always been a priority in the Village but with the new Community Development Director, Mr. Tom Dabareiner, Code Enforcement has become a priority. The Village did not have the proper enforcement tools until recently to complete good enforcement. Those tools are in place now.

Chairman Jirik acknowledged the photographs and the concern about the landscaping business but noted the issue before the Commission tonight was the annexation and rezoning of 4412 Cross Street.

Mr. Mike Jackson expressed concern about traffic at Cross Street and Ogden Avenue. He noted many people have problems turning left and a significant amount of traffic uses Cross Street as a cut-through street.

There being no other public comment, Chairman Jirik declared public participation closed.

The petitioner, Mr. Martel, noted he and his architect looked at the land to see what they could build and found the FLUM identified the parcel as commercial, so they decided the best use would be commercial. He did not take core samples prior to purchasing the property. He is aware that the Village will require engineering review of any proposed project and understands the issues associated with B-3 zoning.

Mr. Martel noted he has had problems with the landscaping business on Drendel too, but that people should not judge him based on the landscaping business. He noted the neighbors had recently agreed to a sewer plan for the area so he believes the water issues will be resolved. He asked the Commission for their support of his petition.

Mrs. Rabatah does not really know what is going on with the landscaping business but believes it should be investigated. She noted the intent of the FLUM is to provide a buffer zone and to rezone this particular parcel into B-3. The intent is to help the residents by providing depth along Ogden Avenue. She is comfortable with the rezoning.

Chairman Jirik noted the FLUM looks at providing a sufficient use of the land. Many lots along Ogden Avenue are small and need depth to have nice businesses with appropriate rear setbacks. In the past, people did not consolidate parcels to create larger parcels but worked with a patchwork of parcels. Mr. O'Brien noted with the lot of record concept now in the Zoning Ordinance more developments are consolidating lots. These consolidations come before the Commission and Village Council.

Mrs. Rabatah inquired if a small business could be located on the property in question if it was not consolidated with a parcel fronting Ogden Avenue. Mr. O'Brien noted physically it was probably possible but from an economic perspective, he could not answer. Anything that would be built solely on 4412 Cross would be a small development.

Mr. Cozzo noted he drove past the properties and understood the neighbors' concerns. His experience on the Commission has found that buffering requirements are noted in staff's reports and the Commission has been stringent and strict in ensuring any new developments have good buffers. He stated any proposed development would have to show buffers, lighting standards and

landscaping standards. He believes any development on this parcel will provide buffers and meet the intent of the OAMP. Mr. Cozzo stated he is comfortable with the proposal.

Chairman Jirik asked staff if the Commission has any tools for buffering or additional protections such as use restrictions, whether the restrictions could be attached to the ordinance or resolution, or whether an annexation agreement could be completed. Mr. O'Brien noted the Commission could attach conditions to the annexation but not the re-zoning. Additional buffer requirements beyond the Zoning Ordinance could be added if the Commission chooses. Mr. O'Brien noted he would be hesitant to determine a level of conditions staff would be comfortable with at the meeting. Mr. O'Brien would have to confer with the Village Attorney to determine if the conditions could be attached to the ordinance or an annexation agreement. The staff would also have to consult with the petitioner to determine if he would be amenable to these additional conditions.

Mr. Beggs noted depth along Ogden Avenue has been an issue since 1969. He stated it is not popular to increase depth, but it is necessary to have good businesses along Ogden Avenue. He noted the Village has numerous enforcement options but how the Village enforces its code is not the matter at hand. The matter at hand is increasing depth along Ogden Avenue. Mr. Beggs noted he looks at the FLUM and sees this property as commercial. He believes the residents' concerns should be forwarded to Code Enforcement and the Village Council, but the request in front of the Commission is to annex and rezone to B-3. He believes the property should be B-3.

WITH RESPECT TO FILE NO. PC-38-07, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE ANNEXATION OF 4412 CROSS STREET AND REZONING OF THE SUBJECT PROPERTY TO B-3 GENERAL SERVICES AND HIGHWAY BUSINESS UPON ANNEXATION.

MOTION WAS SECONDED BY MRS. RABATAH

Chairman Jirik expressed concern that the annexation and rezoning were combined into one motion as the Commission typically provides separate motions. He asked the Commission if they had any concerns, hearing none, he asked for a roll call.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

Chairman Jirik noted everyone should have the schedule for 2008 and should attempt to make themselves available for as many of these meetings as possible. He noted the ethics ordinance and if anyone had any questions, they should contact the Village attorney. Chairman Jirik stated he spoke to the Mayor and Commissioner Schnell regarding a joint meeting, and he was hopeful it could happen in the first quarter of 2008.

Mr. O'Brien updated the Commission on the Market Place at Lee petition. The petitioner had followed through with the traffic study and made some site plan revisions. He stated the petition would be before the Council on December 11, 2007. Mr. O'Brien stated Fairview Village was in a holding pattern regarding the Auxiliary Campus.

Mr. O'Brien reiterated Mr. Dabareiner was pushing staff to new levels and using national standards for code enforcement that were not previously incorporated. Mr. O'Brien stated he would look into the neighborhood issues that were brought up this evening.

Chairman Jirik expressed his thanks to the Commission and to staff. He believes the Commission creates a good public record for the Council. He noted everyone provides his or her opinions and while not everyone may agree, everyone is very professional.

Mrs. Rabatah and Mr. Cozzo noted the Chairman's leadership is a big reason the Commission operates so well and thanked him for his service.

MR. COZZO MOVED TO ADJOURN THE MEETING. MRS. RABATAH SECONDED THE MOTION. THE MEETING ADJOURNED AT 10:10 P.M.

Transcribed by: Stan Popovich, Damir Latinovic and Jeff O'Brien