

Approved 7/10/17

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

MINUTES FOR JUNE 5, 2017

Chairman Rickard called the June 5, 2017 meeting to order at 7:01 p.m. and led the Plan Commission and public in reciting the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Mr. Boyle, Ms. Gassen, Ms. Hogstrom, Mr. Kulovany, Mr. Maurer, Ms. Rollins (arrived 7:25 p.m.)

ABSENT: Ms. Johnson, Mr. Quirk

STAFF: Village Sr. Planner Rebecca Leitschuh
Planning Intern Nora Flynn
Traffic Engineer Will Lorton

VISITORS: Stephen Giesler, G-H. Oak Grove Centre, 1501 Brook Drive; David Storvel, Keith Billick, Michael Sewell, Shive-Hattery Architects; Mark Bratkiv, REM Management, 2901 Finley Road; Mike O'Connor and Dave Cavanaugh, U.S. Brass & Copper; Ray Klouda, Elite Electronic, 1516 Center Circle; Michael Ricklefs, Greenscape Homes, Warrenville; Doug Miller, 4905 Drendel; Orlando Diaz, 4909 Drendel; Greg Kubelsky, 4914 Cross

MINUTES:

**Ms. Gassen moved to accept the minutes of the May 1, 2017 meeting as presented, seconded by Mr. Kulovany.
All in favor. The Motion carried.**

Chairman Rickard reviewed the procedures to be followed for the meeting, and swore in all individuals intending to speak during the public hearings. He explained that the Plan Commission is a recommending body. Chairman Rickard noted that there were two public hearings on the Agenda and suggested hearing the second case as the first item on the Agenda. There were no objections to switching the order of the hearings.

PUBLIC HEARINGS

FILE 17-PLC-0018: A petition seeking approval of a Zoning Map Amendment to rezone the property to R-4 Residential Detached House 4. The property is currently zoned R-1, Residential Detached House 1. The property is located on the west side of Cross Street, 150 feet south of the intersection of Cross Street and Haddow Avenue, commonly known as 4910 Cross Street (PINs 08-12-108-018 and 08-12-108-019). Greenscape Homes LLC, Petitioner and Owner.

Approved 7/10/17

Sr. Planner Rebecca Leitschuh introduced Planning Intern Nora Flynn who will be working with Village Staff for the summer, and who interned with the Village last year as well.

Ms. Flynn explained the petitioner's request to rezone the subject property located at 4910 Cross Street from R-1, Residential Detached House 1 to R-4, Residential Detached House 4. The property is between Haddow Avenue and Burlington Avenue, and was automatically zoned R-1 in 2012 as part of a large annexation into the Village. R-1 is the Village's most restrictive zoning designation. Other surrounding properties that were part of the 2012 annexation have been rezoned to R-4. The petitioner plans to build a new single-family home on the property and demolish the existing home.

Ms. Flynn noted that the property consists of two lots that would have to be consolidated prior to the issuance of building permits. Any construction on the site would have to meet the requirements of the R-4 classification. The Village's Comprehensive Plan (including the draft of the Comprehensive Plan update) classifies the property as Single-Family Detached Residential, and states that it should continue to be the predominant land-use in the Village. The proposed rezoning helps ensure investment in quality housing stock in the Village.

Ms. Flynn referred to the Standards of Approval for rezoning, stating that the Standards have all been met by the Petitioner. The rezoning of the property and removal of the existing dilapidated building will bring the property up to the standards of the surrounding area, and is consistent with the Village's Zoning Ordinance.

Staff's recommendation, based on the findings listed in Staff's Report dated May 26, 2017, is that the Plan Commission make a positive recommendation to the Village Council regarding this petition.

Mr. Maurer asked if he understood that this property was recently rezoned. Ms. Flynn replied that other properties in the area that were part of the larger annexation have been rezoned to the R-4 zoning designation. She explained that upon annexation, properties are automatically zoned to the Village R-1 designation.

There being no further questions, Chairman Rickard asked the Petitioner for his presentation.

Mr. Michael Ricklefs, Director of Engineering for Greenscape Homes commented that Ms. Flynn covered the information in his presentation very well. He added that Greenscape has had similar projects over the past 18 months, and stated that the R-4 zoning regulations more closely meet the setbacks and lot configurations of the surrounding area.

There were no questions from the Plan Commission. Chairman Rickard opened inquiries to the public.

1. Mr. Doug Miller, 4905 Drendel, resides behind the subject property. He indicated he had no problem with the new owner or their plans for the site; however, he was concerned about the maintenance of the existing easement between his property and

Approved 7/10/17

the subject property. Mr. Miller noted that the previous owner neglected to care for it. Ms. Leitschuh replied that the area was a Village-owned unimproved alley. Mr. Miller said he has trees on his property and he is concerned that the area is taken care of.

Mr. Maurer asked that the survey be shown on the screen in order to show the unimproved alleyway. Mr. Miller explained that his concern is to see the property maintained. Ms. Leitschuh said if there is a problem with that alleyway area he could always contact the Village.

Chairman Rickard asked what is not being taken care of in the 14' area, and Mr. Miller said he has been taking care of it, and wants to be sure the new owners take care of that area adjacent to the petitioner's property.

Mr. Ricklefs said that when the house is demolished they will clean up the back area. He said there is an open lot to the north that is not part of their property.

2. Orlando Diaz of 4909 Drendel Road is a 30-year resident in the Village. He lives behind the proposed lot and would like to know if they are building the house higher than the existing foundations of other homes, and how the water will be pitched to his house. He knows that neighbors have been having problems with the water runoff. Chairman Rickard explained that this meeting is only to address the zoning change. The petitioner will have to go through engineering to demonstrate how they will comply with the stormwater ordinances, etc. This meeting is strictly for rezoning. He said information would be made available when they actually apply for a building permit.

Mr. Maurer thanked the residents for their comments. He thought whatever they do will be an improvement to the site, and will be a win situation for the neighbors.

3. Greg Kubelsky of 4914 Cross, south of the subject property asked when water runoff information would be addressed, and Chairman Rickard responded that would take place later in the process. Mr. Kubelsky asked for an explanation of what the rezoning actually means, because moving the house further from the houses behind it puts it closer to his house. This is their third residence in Downers Grove and he has had very large houses built next door to him in the past that created drainage problems.

In reply to his question, Chairman Rickard said that a copy of the Staff report is available for Mr. Kubelsky to review the differences in zoning regulations. R-4 lots are smaller lots with different setbacks than R-1 lots that are larger. Mr. Kubelsky then asked where residents could bring those issues up once the builder gets approved to build the home, and would there be other meetings.

Chairman Rickard replied that the Village Council will have a public hearing on this matter, but it will only deal with the rezoning. When the petitioner submits their plans, Staff and Engineering will review them, unless there are variances being requested. He said that if Mr. Kubelsky has questions he can call the Building Department and ask questions of other Staff.

Ms. Leitschuh explained to Mr. Kubelsky that the Village has Stormwater Engineers and Development Engineers on Staff who address all building in the Village. Mr. Kubelsky

Approved 7/10/17

replied that this is his third residence in the Village and he has had very large homes built next to him that caused problems, and he doesn't want the same issues to occur again.

There being no further comments from the public, Chairman Rickard asked the Petitioner if he has any further comments.

Mr. Ricklefs said that they will follow all Downers Grove and DuPage County stormwater ordinances, focus on trying to improve stormwater issues and cause no future problems for neighboring properties. They will have a manager on site almost daily. With this site they are decreasing the amount of hard surfaces on the lot with a deep setback and they will minimize the amount of runoff on the site.

Mr. Maurer commented that the size of the lot fits better in an R-4 designation, and he thinks the neighbors should be comfortable with this.

Ms. Leitschuh said when properties are annexed they are designated as R-1 because it is the most restrictive designation, and relates to the State designations.

Mr. Kulovany asked whether the vacated alleyway is supposed to be maintained by the Village or the residents. Ms. Leitschuh said there are no maintenance regulations for vacated alleyways, and if there are problems residents should contact the Village to address them. Typically, residents end up using the area and maintaining it, though they cannot put structures on it and do not pay taxes on it.

Chairman Rickard noted that according to all of the regulations for approval, it appears as though all standards have been met.

Mr. Boyle moved that with respect to file 17-PLC-0018 the Plan Commission forward a positive recommendation to the Village Council. Ms. Hogstrom seconded the Motion.

All in favor. The Motion passed unanimously.

.....

Ms. Rollins joined the Plan Commission body.

FILE 16-PLC-0054: (Continued from 2-27-17, 4-3-17, and 5-1-17)

A petition seeking approval of a Planned Unit Development, Zoning Map Amendment, and a Right-of-Way Vacation. The property is zoned M-2, Restricted Manufacturing and O-R-M, Office Research and Manufacturing. The property is located at Brook Drive between Centre Circle and Downers Drive, commonly known as 1500, 1509, 1515, 1516, 1525, and 1528 Brook Drive, and 1429, 1503, 1505 and 1515 Centre Circle, Downers Grove, IL (PINs 06-30-402-003, -004, -009, -020, and 06-30-403-016, -017, -022). Flavorchem Corporation, Petitioner and Owner.

Sr. Planner Rebecca Leitschuh said this application originally came before the Plan Commission in February of 2017, and was continued until this date. She focused on the information that has changed since the last public hearing, provided an update of Staff's

Approved 7/10/17

memorandum, as well as minutes and the original Staff report in the Plan Commission's packet. She then reviewed the changes made.

Ms. Leitschuh said that the petitioner determined it would not be possible to move forward with their development without vacating Brook Drive. She provided three different solutions provided by the developer in response to the Plan Commission's questions from the February public hearing. In regard to the radius of the driveway approach at the intersection of Brook Drive and Centre Circle, it has been widened to further accommodate trucks accessing the loading docks at 1525 Brook Drive. At the upper portion of Centre Circle they are providing a "hammerhead" that allows the trucks to pull in and back into the site without delaying other traffic in the public right-of-way. There have been two conditions added to the Staff report whereby 1) the applicant will be responsible for working with Public Works to make sure the Centre Circle ROW area is appropriately striped so as not to confuse other traffic from the widening of the adjacent approach, and 2) the applicant will clearly identify the hammerhead areas as no business parking or loading.

The second change proposed by the developer addresses comments from the Plan Commission concerning the property to the southeast corner regarding access and visibility (1501/1503 Brook Drive). There is a shared drive at the parking lot, and there was a concern about avoiding reducing the visibility of the corner lot commercial building, making it distinct from the Flavorchem corporate campus. The applicant has removed the landscaping and signage along the right-of-way to identify it as a separate business. The existing southern curb line and sidewalk will remain in place to maintain a ROW frontage effect.

In further response to the Plan Commission's concerns, the developer has reduced the loading docks at the SW corner of the property (1525 Brook Drive) from three bays to two bays with a minimum 10-foot setback as required by the Zoning Ordinance, and the petitioner is agreeable to further screening the loading dock by installing a privacy fence.

Ms. Leitschuh explained that the petition is for a Planned Unit Development, which is a tool whereby they attempt to meet all design requirements, while maintaining some flexibility to allow the design to fit within the boundaries of the PUD. The revised version of the PUD meets all of the zoning requirements, with the exception of the parking setback, landscaping configuration, and the number of parking spaces. However, Staff concurs with the developer's detailed plan for the corporate campus and the anticipated number of parking spaces needed for the PUD.

Regarding the Comprehensive Plan and the proposed updated Comprehensive Plan, there are no changes since the last review. There are various goals including strengthening the economy by increasing jobs in the industrial area. This proposal assists in further investment in the area, stabilizing the area and expanding the tax base.

The Commission has three items before it for consideration: 1) Planned Unit Development; 2) Zoning Map Amendment; and 3) Right-of-way Vacation. Ms. Leitschuh

Approved 7/10/17

briefly reviewed each of the items clarifying that Staff believes the developer has met the criteria required by the Village, and therefore Staff recommends as follows:

The proposed Planned Unit Development, Zoning Map Amendment, and Right-of-Way Vacation to develop a campus master plan for Flavorchem Corporation at 1500, 1509, 1515, 1516, 1525 and 1528 Brook Drive and 1429, 1503, 1505, and 1515 Centre Circle is consistent with the current and draft updated Comprehensive Plan, the Zoning Ordinance, and surrounding zoning and land use classifications. Based on the findings listed above, Staff recommends the Plan Commission submit a positive recommendation to the Village Council to approve the requested Planned Unit Development, Zoning Map Amendment, and Right-of-Way Vacation as requested in case 16-PLC-0054 subject to conditions 1 through 16 as stated in Senior Planner Leitschuh's Memo dated May 30, 2017.

Ms. Leitschuh clarified that the final determination for this requested petition lies with the Village Council to either approve or deny.

Ms. Leitschuh replied to Ms. Gassen that Flavorchem is responsible for maintenance of the area north of the 1501-1503 building. She further responded that there are 16 conditions specified in Staff's Memo to be included in the Commission's recommendation.

A commissioner asked about the February recommendations that included requiring the applicant to pay the amount of \$380,000, which is not in the newer list of conditions. Ms. Leitschuh replied that Staff still recommends waiving the payment, but it is part of what is being set up in the internal policy for the Council. That condition would be included in Staff's final memo to Council as part of the recommendation.

Chairman Rickard expressed confusion about that as well, thinking that the original recommendation of Staff was that the fee would be waived, while the newest recommendation would be to require payment of that fee.

Ms. Gassen said she also had that impression, saying that in the February 27th report Staff recommended waiving the fee.

Ms. Leitschuh replied in the February 27th report Staff recommended waiving that fee, and Staff still recommends waiving the fee. She noted that the final decision on that is solely up to the Village Council.

A commissioner asked if there were any other changes that were made since the first proposal was presented. Ms. Leitschuh responded there was nothing else that was of a major nature that was changed. Public Works, the Stormwater Engineers, and all other departments reviewed the proposed changes.

Mr. Kulovany had two question regarding the cost of 85' of roadway, and whether the Village reached out to the Department of Transportation in the County for potential improvements to the intersection of Butterfield and Finley. In response Village Traffic Engineer Will Lorton said that the full cost of the project in 2014 for Brook Drive was \$3.5 million dollars including pavement, grading and landscaping. As to coordination

Approved 7/10/17

between Staff, IDOT and DuPage County, it is an on-going process where Staff notifies the State, but it is a slow process as to what can actually be done. One of the biggest constraints with Butterfield Road is that it is a strategic regional arterial in an east/west direction that has right-of-way constraints preventing additional north/south lanes. Ms. Leitschuh added that many of the public improvements included in the capital project will remain and benefit the public in general (upgrading existing water mains and sewer lines, other underground utilities) and that a public utility easement will be retained over the ROW.

Mr. Kulovany asked what the cost of repaving that area would be and Mr. Lorton did not have that information at this time.

Mr. Maurer asked about the PUD expansion for the future and whether the developer would have to come before the Plan Commission again when it is time to build. Ms. Leitschuh said it depends upon what comes up at permit time. The PUD includes a site plan, and if it is reviewed and approved, the applicant can apply for a building permit. If changes are made that are substantial, they would have to come back for a major amendment to the PUD. The PUD allows them to do multiple things that are specific to the PUD, such as not being required to come for a variance in parking spaces. The PUD allows for multiple primary commercial buildings on one lot, landscaping specific to the site, etc.

Petitioner's Presentation

Ken Malinowski, President of Flavorchem Corporation, provided background information on the company that began in Belleville, Illinois in 1971. He said developing a long-range facilities and operations plan is critical to the success of their business. They identified several critical requirements for their proposed expansion all of which are dependent upon the vacation of Brook Drive. Without vacating Brook Drive the site will not be able to meet their requirements. Mr. Malinowski specified their needs as:

- 1) expansion of their footprint to accommodate additional capacity and improve internal efficiencies, as well as accommodate employee and visitor parking as the business grows.
- 2) meeting the requirement to be registered with the FDAs' Bioterrorism and Preparedness Act of 2002. The FDA has implemented a Food Safety Modernization Plan to perfect the food supply in this country. It is expected that food ingredient manufacturers control their site and facility access.
- 3) Improving employee and guest safety.

Mr. Malinowski reiterated that without the vacation of Brook Drive their goals cannot be reached on the site.

Ms. Hogstrom asked how much employee circulation takes place between the different buildings in a workday. Mr. Malinowski replied they have about 250 employees. One building houses their Corporate Training Facility, and on any given day there would be about 50-75 employees traveling between buildings.

Mr. Kulovany asked if there is a way to make the drive in front of 1501 Brook Drive look like a street and not like a parking lot. Mr. Kulovany said his question is strictly from an appearance standpoint to make it look like a street with perpendicular parking. Keith Billick with Shive-Hattery responded that they were now retaining the existing curb line

Approved 7/10/17

with a full vertical curb to create the feeling of a street, but that they could look at other options like a depressed, ribbon curb.

Mr. Kulovany questioned whether a semi could back into 1501 Brook. Mr. Kulovany then said it looks as though it could from the schematic. Mr. Billick said they were directed by Plan Commission to look at a box truck, but thought a semi could also make the turn.

Ms. Rollins said at the last meeting they discussed other available properties in the area, and whether the developer considered expanding in ways other than to request vacation of roads. Mr. Malinowski said they are always looking at options as they continue to expand. This property is contiguous. Some other sites were not contiguous properties and presented other challenges. This allows for greater control on the campus. The manufacturing facilities would have to stay as close together as possible, while perhaps administration, research and development could go somewhere else. But this is the best financial investment for them.

Mr. Kulovany asked for a synopsis of the FDA's Bioterrorism and Preparedness Act of 2002. Mr. Malinowski said that Act was the result of September 11, 2001. The Act requires food manufacturers to ensure that all incoming materials and outgoing finished goods were safe, not tampered with and contain nothing that could cause harm. The latest Food Safety Modernization Act looks at how risks are controlled, and is less about catching risks and more about prevention of risks. That begins with the site, how people can access the site to do things that could cause harm to others. It begins with site security and goes all the way to how goods are shipped from the facilities. He said it's a good thing for our country.

There being no further questions from the Commission at this time, Chairman Rickard called for anyone from the public who wished to make a statement.

1. Mr. Mark Bratkiv of REM Management of 2901 Finley Road asked what is meant by the statement "written consent of abutting owners," and Ms. Leitschuh explained they have to have written consent of at least two property owners adjacent to the properties. Mr. Bratkiv said he was one of the abutting owners and never gave his written consent. Ms. Leitschuh said it has to be from two properties under ownership adjacent to the right-of-way. She said there are currently eight lots, the majority of which are owned by Flavorchem. Mr. Bratkiv asked then if Flavorchem considers itself an abutting owner, and Ms. Leitschuh said that the Village considers them abutting owner, and that is how it has been decided historically for other vacations.

Mr. Maurer said he has a similar question as Mr. Bratkiv in that the page in question from Staff's report regarding conditions or requirements says "met, met, met," but it also says that the Village Council shall determine whether that is met. He said that as of this meeting, the conditions have not been met, or are met in the opinion of Staff.

Ms. Leitschuh replied that Staff finds the conditions as "met," but the Village Council has the discretion to find decisions beyond that opinion. They have different policies under which they operate.

Approved 7/10/17

Mr. Bratkiv said he does not agree with that, doesn't think it is right or fair. He referred to another issue at a previous Plan Commission meeting in February where the Commission clearly told Flavorchem to come back to the Commission with something that is not taking the road; yet, they have not done that. They've ignored that directive and that is the #1 issue here. He raised the issue of the road again, saying it was built and maintained with taxpayer money, and the crux of the issue according to Mr. Bratkiv is that the Village is going to take a public road and give it to one private company, at no cost and for their sole benefit. Mr. Bratkiv said he didn't think that was right, as it affects other people in the surrounding area, and all of them spoke last February to that point. He then asked for a specific slide to be brought up, and used that slide to give a hypothetical situation of another party wanting to come to the Village asking for another private road to be vacated. He asked what justification the Village can give for setting a precedent of giving public land away for free for the benefit of one private company. He doesn't understand how that can even be considered. He is there to say that they are not in favor of this and think that the Plan Commission should vote this down, and they'll tell the same to the Village Council if it gets that far. Mr. Bratkiv said to invoke terrorism as a reason for this project is shameful. This is being requested because they don't have enough parking.

2. David Cavanaugh, President and Owner of United States Brass and Copper gave background information on his company, which deals with customers in all 50 states. When he purchased the property in 1976 the design, marketing and sales of the property were all developed on the concept of the streets that are there for the mall and the commercial properties behind the mall. For the Village to consider vacating the road in the face of what is going on in the western suburbs with companies attempting to build everywhere, expand and utilize every piece of available land, he thinks is opposed to serving the public interest. The public interest is not just his company, but other companies in that park as well. It's the people who travel through those streets—the public. Mr. Cavanaugh said he has an employee of 28 years who resides in Glen Ellyn which was about 10 minutes away; however, now she has to drive around numerous side streets in an effort to get to Butterfield Road and go around a back way to get to Glen Ellyn because of the congestion at Finley and Roosevelt Road. He thinks allowing Flavorchem to come back with the same story the Commission voted down previously makes no sense given the small amount of changes submitted by Flavorchem. Mr. Cavanaugh said on behalf of his employees and the public interest he thinks this should be voted down.

3. Michael O'Connor, attorney representing U.S. Brass and Copper, said that Flavorchem is not a bad company and they are not bad people. They have had many meetings with them to try and arrive at an alternative solution. During those meetings they discussed temporarily closing Brook Drive and coming up with another traffic study to determine what closing Brook Drive would do to traffic. They found that Staff did not believe temporarily closing Brook Drive was feasible. Mr. O'Connor said that they were surprised that the suggestion for a temporary closing of Brook Drive was turned down. He said that Brook Drive is a critical relief valve for traffic in the commercial and industrial park. The intersection of Butterfield and Downers Drive is dangerous with 281 accidents at that location in a four-year period, and more than 50 of those involving personal injuries. He asked what would happen to that intersection with even more traffic being forced through. People will lose patience waiting for more than three or

Approved 7/10/17

four lights. At the meeting they talked about loading dock products as well as how this decision is permanent. The Plan Commission can't undo what it decides at this meeting. Mr. O'Connor said that vacating Brook Drive is not going to increase the food safety of their campus. It will merely provide the parking area that they need. They are creating their product in seven or eight different buildings. They may realize at some time that they need to consolidate into a single building, will look for another property somewhere else, and the Village will then have an abandoned site with buildings that will not be useful. He asked whether Flavorchem would then come to the Village to reverse the closing of Brook Drive.

Mr. O'Connor then discussed the criteria for creating a map amendment. The value of industrial property is related to access. In the Village's long-term-plan it recognizes the importance of access to the major highways for the Village. By vacating the roadway it will create a downward spiral decreasing high quality manufacturing facilities in the Village. Another criteria is to balance the decrease of property values with public safety. He believes accidents at the intersection of Downers Drive and Butterfield will increase. Mr. O'Connor commented that the properties are already vibrant. Flavorchem has thrived at this location for decades and will continue to thrive whether Brook Drive is vacated or not. That is the reality.

Mr. O'Connor said he does not blame Flavorchem for wanting to create a corporate campus; however, it does not benefit anyone except them and creates a huge burden for others in that industrial park. He does not believe the plan complies with the Village's Comprehensive Plan because it constricts access and travel within the Village. He said there are several other aspects of the Comprehensive Plan that he doesn't think have been met. This action will not create jobs or enhance the Village economy. It will negatively impact other businesses in the industrial park. It will also not stabilize the tax base, but will jeopardize the tax base of the surrounding properties. He thinks in reality it is about creating a nice corporate campus and additional parking.

Mr. O'Connor then asked how the Village can justify spending \$3.5 million on this section of Brook Drive just three years ago and now throw away the bulk of that \$3 million. That money will be lost, and then the Village will also give a private company a \$380,000 gift, which is irresponsible. Mr. O'Connor referred to Mr. Malinowski's comment that vacating Brook Drive will enhance their growth, and Mr. O'Connor said he cannot see this as being critical to Flavorchem's growth. It is however detrimental to the growth of the other businesses in the area. He believes at some point Flavorchem will leave to find another site and will leave the industrial park. Mr. O'Connor asked that the Commission deny the request.

Chairman Rickard asked if there were minutes of the meetings with Flavorchem, and Mr. O'Connor said there were no minutes taken, as it was a fairly informal meeting. Mr. O'Connor said he had photos of cars parked in the area, as well as trucks on Centre Circle blocking oncoming traffic. There will be a turnaround problem and more traffic on Centre Circle, with trucks blocking traffic for 39 seconds for every truck in that location.

Mr. Kulovany asked if Mr. O'Connor practiced real estate law. Mr. O'Connor said he did and responded to Mr. Kulovany's question as to what would happen if the eight buildings would vacate over one weekend. Mr. O'Connor said there is an overnight

Approved 7/10/17

impact on sales tax revenue as they would contact their tax lawyer immediately to get the real estate taxes decreased to the land value only based on having only vacant buildings. With vacant buildings not maintained it will impact the remainder of the businesses in the industrial park.

4. Steve Giesler of 1214 Maple Avenue in Downers Grove is an owner at 1501 Brook Drive. When the buildings were being purchased on the north side of Brook Drive he wondered where the strategic planning came in. He asked the Commission if they owned the building he owns, what affect do they think this would have on their business.

5. Ray Klouda of Elite Electronics said they own 1516 Centre Circle as well as two other properties in that location. They object to the vacation of Brook Drive as it limits access to their property. He said they were disappointed with Flavorchem's response to the February meeting by not coming up with a different plan and continuing to want Brook Drive closed. That is unfair to the neighboring properties. Many of his customers use that street, and there is a safety concern because of traffic taking Centre Circle and speeding down that road. He is against closing the Drive.

There being no further questions from the public, Chairman Rickard called upon the Petitioner to respond to comments.

Mr. Malinowski said he appreciated the comments made by their neighbors. He said they tried to address the concerns raised at the February meeting to the best of their ability. They could not agree to leave Brook Drive open. Protecting their food supply is an unfortunate reality in his industry. They agree that the amount of traffic on Brook Drive presents a problem for them, and the cut-through traffic on Centre Circle would bring problems to other businesses. It is an emotional topic for many of the business owners who have owned property in the industrial park for a long time. That is also true for Flavorchem, and they attempted to present a long-term solution to their plan to create a corporate campus. He said he hopes that the Plan Commission understands that Flavorchem is committed to Downers Grove, and the closing of Brook Drive while important to them for parking is not their only priority.

Keith Billick of Shive-Hattery said that they did not ignore the Plan Commission's initial comments regarding Brook Drive. They tried to gather information to support the closing of Brook Drive. He explained they have worked over nine months to explore all options including moving off site, what options were available on site, and what was the best scenario of the studies they conducted. He clarified with Will Lorton that the \$3.5 million was for the entire project and not just Brook Drive. Mr. Billick said that some of that investment included significant underground improvements that will stay in place. He addressed the topic of traffic and access, saying they are not restricting access but should improve it by taking traffic from Downers Drive. There will be a transition period that will hopefully eventually make it safer in the area. As for the food safety, a benefit of the PUD is that it allows multiple buildings on the same site. Mr. Billick said he has more information on traffic, or can answer any questions.

In reply to Ms. Rollins question about the discovery phase, Mr. Billick said they originally had scenarios A-J, but some were similar so they narrowed things down to five points or

Approved 7/10/17

priorities. He referred to the five primary options which included looking at Brook Drive, and other buildings all within the boundaries of the property. In further response they looked at property they have today, property completely off site, and other properties if some of their manufacturing had to go off site. They wanted to do everything on site without having to buy additional property if they didn't need to; however, that is still an option.

Mr. Maurer then asked about the five options they evaluated, noting that the only one that meets their space needs maintains Brook Drive. Mr. Billick said that was literally property line to property line with no setbacks and with maxing out the parking area. He said it didn't make sense and the Village wouldn't support it.

Ms. Gassen said there has been a lot of public comment about how vacating Brook Drive only benefits Flavorchem. She asked how the vacation benefits the surrounding neighbors. Mr. Billick responded that it would ultimately make the neighborhood safer and a way for businesses with specific needs and specific access. Vacating Brook Drive preserves and enhances that. The question is whether Flavorchem will have to look elsewhere which will affect the Village as well as it will result in eight vacant buildings. They see the vacation as benefitting. Ms. Gassen said she thinks it will enhance the appearance of the industrial park, but wants to figure out the direct benefits to others in the industrial park. Mr. Billick said that based on their traffic engineer's reports and studies it appears they will be decreasing the amount of traffic in the industrial park.

Mr. Boyle referred to page 5 of 6 of their report, which gives peak passenger counts. He is trying to determine how that data works and asked how someone would come from Finley Road. Mr. Billick asked his traffic engineer to provide that information. David Storel of Shive-Hattery said that part of the cut-through traffic would continue east of Centre Circle and right onto Downers Drive to avoid one of the two larger signalized intersections. He said when they collect traffic counts at the intersections they record turning traffic. They do not know where they're coming from or going, but only the vehicles that are passing through the intersection that they are studying. In further response to the projected 2037 vehicular traffic peaks number, Mr. Storel said that if Brook Drive is vacated, people will become discouraged in going that way and the traffic will decrease. He said they did not consider speed bumps on Centre Circle.

Mr. Maurer asked for an explanation of the 2037 projected numbers versus in a few years. Mr. Storel explained that the 2037 projection included industry accepted growth rates, but that they actually determined there would be a negative growth rate for that period.

Mr. Kulovany asked whether as the alternative to vacating Brook Drive they looked at traffic calming devices, narrowing of the roadway, sidewalks, etc., for employee safety. Mr. Billick replied that they did consider other options such as calming devices but truck traffic doesn't like those.

Mr. Malinowski said discussion was held when the road was put in about narrowing the road, but they opposed it because of the difficulty of trucks backing into the docks.

Approved 7/10/17

Mr. Kulovany asked what the probability would be that Flavorchem would leave Downers Grove in the next two years if the Village Council were to vote against closing Brook Drive. Mr. Malinowski said there is a high probability that some of the operation would leave within two years. It would not be practical for their operation. They would look off site in other communities.

Chairman Rickard asked if he is saying that their entire operations depends upon whether or not they close Brook Drive. Mr. Malinowski replied that parking is critical, as are safety issues. They are also showing efficiency improvements. They are trying to take an approach that is less disruptive to their neighbors. Chairman Rickard asked if there is consideration for an elevated walkway over Brook Drive, and Mr. Malinowski said that was considered as were other options as a short term fix or band aid approach. Because they've made such significant investments in the business, they need to take another approach.

Mr. Boyle asked if all buildings owned by Flavorchem were currently in use by Flavorchem. Mr. Malinowski said there are several future uses planned in buildings that are not being used today.

There being no further questions or comments, Chairman Rickard asked the Petitioner if they wished to make a closing statement.

Mr. Malinowski said they appreciate the opportunity to come before the Plan Commission. They've worked about a year and a half putting their plans together to determine what is the best plan for the continued operation of their company long term. It involves employee safety, and creating an attractive work environment. Being able to vacate Brook Drive allows them to accomplish their long-term objectives, improve the parking situation, enable access for employees to cross the street, improve aesthetics as well as the internal efficiency of their company. He hoped that the Plan Commission would recommend for approval.

DISCUSSION

Chairman Rickard said they have three requests including the PUD, Zoning Map Amendment, and Right-of-Way Vacation. Each of these has specific requirements for approval, which Chairman Rickard listed. He recommended beginning with the standards for the PUD.

Mr. Kulovany said that this obviously belongs as a PUD.

Chairman Rickard said he personally struggles with the right-of-way vacation. He understands their request. He said that two routes in and out of anywhere is better than one, particularly given the amount of truck traffic and truck maneuvers on Centre Circle. Having a second way out of there is a necessary way out of the Circle.

Ms. Gassen commented about the requirement for the consent of two property owners for the vacation, noting that if a neighbor of hers requested a street vacation that would affect her she would not be too happy with that. Ms. Leitschuh stated that is how the policy is consistently implemented.

Approved 7/10/17

Chairman Rickard said when they reviewed the plan in February, in his mind the issue was the vacation of Brook Drive. He didn't understand waiving the \$380,000 when the Village was trying to find a way to find added revenue. As for the truck maneuvers, he was concerned about the southwest corner of the property where the pavement was widened. Doing truck maneuvers on a 90-degree bend could be problematic. He had hoped they would have given consideration to deal with that differently. He also had concerns about 1501-1503 and hoped that the Drive would be pulled back further so it would not appear to be visually part of another development. They also don't have access rights on Flavorchem Drive. He also said there are other creative ways to get people back and forth between buildings without taking the street. He would have a difficult time supporting this.

Ms. Gassen said she likes the idea of a corporate campus, but thinks by and large what they are proposing benefits Flavorchem only. She also has a difficult time supporting something as major and significant as this without seeing some benefits to the surrounding businesses.

Ms. Hogstrom was also disappointed that they did not come back with an option other than vacating Brook Drive. She thinks they could have had more creative solutions for keeping Brook Drive and improving circulation. She also has difficulty with waiving the \$380,000 fee for the vacation, as it could set a precedent.

Mr. Kulovany noted a difference on page 53 of the packet, item 14, which states that at the discretion of the Village Council the applicant shall pay the Village \$380,000 prior to the execution of the right-of-way vacation. However, elsewhere #14 and #15 are different. Ms. Gassen said she asked about that earlier and it has to do with it being an earlier staff report submitted to the Plan Commission, and that Staff still recommends waiving the payment.

Mr. Kulovany said they are being asked to rule in conjunction with the Comprehensive Plan, as well as zoning requirement. His understanding of the Comprehensive Plan is that it's intended to encourage businesses to come to Downers Grove, retain those that are already here and encourage business expansion. He originally thought there was an attempt to handle some of the traffic issues by the semi-trucks with the extra turning lane. He noted that when you enter any kind of industrial park with any kind of a vehicle you will pretty much be stopped by semis one way or another. So he was not as concerned about that. There are two types of people who access Brook Drive—those who work there or those who are trying to get to work somewhere else by a cut-through. He noted that it's unfortunate that a major traffic problem exists at Butterfield and Finley that is not being addressed. There are certain things citizens can do on their own, but one thing they can't do is improve roadways on their own and solve these really awful traffic problems. He thinks one of the biggest frustrations of living in the Chicago area is the terrible traffic issue. When he first thought about this he thought it would be great if the loading docks were consolidated on the north side of Centre Circle to keep all the congestion in one area. He is still not convinced that 1501 and 1503 are being handled properly. This is a tough call in balancing the needs and desires of a long-time Village business to stay in town and create an elegant campus. He's fearful that there will be eight vacant buildings in the future and a new catalyst site in the Comprehensive Plan.

Approved 7/10/17

He is disappointed that more wasn't done around traffic calming. The \$380,000 sticks in his craw.

Mr. Maurer said looking at the map he sees Flavorchem's eight buildings, which represent 1/3 of the buildings in the industrial park. It doesn't seem fair to inconvenience the majority for the minority. He is considering all of the traffic counts mentioned and the number of truck traffic as well. The trucks are not easy vehicles to manipulate and are only being allowed one direction to turn in or out of the docks. There is a dance academy and a gymnastics academy in the area and they should not complicate the traffic or public safety. He supports the rezoning and the PUD, but the vacation is hard to swallow.

Mr. Boyle said he thinks it would be a detour and a new way for people to travel through the area at a time when amenities within corporate campuses are being expanded to what a building site can offer. Flavorchem is a major manufacturing company with needs to expand and they want to stay within Downers as their twenty-year plan indicates. He thinks the surrounding properties would learn to adapt. The cost of the vacation still sticks with him as well. He would want the \$380,000 to remain under consideration.

Ms. Rollins said she was underwhelmed by the changes submitted since the meeting in February, and that they didn't even attempt to accommodate lessening of the truck traffic by pulling off all truck traffic onto Flavorchem's property. She doesn't agree with the vacation of the roadway.

Chairman Rickard suggested making three separate motions. Ms. Leitschuh said they cannot separate out the PUD and the vacation and would have to do that as one motion because the vacation was integral to the PUD site plan. Or they could do all three in one motion.

Ms. Gassen moved that in case 16-PLC-0054 the Plan Commission submit a positive recommendation to the Village Council for approval of the PUD, Zoning Map Amendment, and Right-of-Way vacation, subject to the conditions listed in Staff's Memo dated May 30, 2017. Seconded by Mr. Boyle.

Mr. Boyle asked to amend the Motion to recommend payment of the \$380,000 ROW fee, and Ms. Gassen agreed with the amendment. The amended motion is as follows:

Ms. Gassen moved that in case 16-PLC-0054 the Plan Commission submit a positive recommendation to the Village Council for approval of the PUD, Zoning Map Amendment, and Right-of-Way vacation, subject to the conditions listed in Staff's Memo dated May 30, 2017, and at the discretion of the Village Council the applicant shall pay the Village Council \$380,000 prior to the execution of the right-of-way vacation. Mr. Boyle seconded the Motion.

AYES: Mr. Boyle

NAYS: Ms. Gassen, Ms. Hogstrom, Mr. Kulovany, Mr. Maurer, Ms. Rollins, Chairman Rickard

Approved 7/10/17

The Motion failed 6:1.

Mr. Boyle said he thought the applicant went through a long discovery phase with proper due diligence, had multiple meetings with neighbors and two public hearings to make this work, and he applauds them for all of those efforts. He thanked those businesses that came forward for their contribution to the Village and for participating in the review process.

.....

Ms. Leitschuh said there will be a June 26th meeting of the Plan Commission to review the Village Council's update of the Comprehensive Plan. There are focused changes proposed for the downtown area concerning zoning regulations, etc. The Ad Hoc Committee for the Comprehensive Plan and Village Council has scoped out a new framework for the downtown area. The June 26th meeting will discuss more of the framework. A second meeting will be held in July as well. She asked if any members are expecting to be unavailable to let her know.

There being no further discussion, Chairman Rickard called for a Motion to Adjourn.

**Mr. Kulovany moved to adjourn, seconded by Ms. Gassen.
All in favor. The Motion carried.**

Chairman Rickard adjourned the meeting at 10:00 PM.

Respectfully submitted,

Tonie Harrington,
Recording Secretary.