

APPROVED – 3-2-2020

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MINUTES
FEBRUARY 3, 2020**

CALL TO ORDER:

Ch. Rickard called the February 3, 2020 meeting of the Plan Commission to order at 7:00 p.m. and led in reciting the Pledge of Allegiance.

ROLL CALL:

PRESENT: Mr. Boyle, Mr. Dmytryszyn, Ms. Johnson Ms. Majauskas Mr. Maurer, Mr. Patel, Ms. Rollins, Mr. Toth, Ch. Rickard

ABSENT: Ex. Officio Members Olczyk, Livorsi & Menninga

A quorum was established.

Chairman Rickard reminded everyone present to silence any electronic devices during the meeting and noted that copies of the Agenda are available on the shelves at either side of the Chamber.

STAFF: Jason Zawila, Planning Manager
Gabby Baldassari, Development Planner

VISITORS: Paul Hussey, 4932 Prospect Avenue
Scott Richards, 1130 Warren Avenue
Sonja Kasche, 1011 Pinewood Drive
Nina Patel, 4932 Prospect Avenue
Matt Bolson, Lisle
Talar Berberian, Thompson Couburn, LLP
Dawn Zancan, Volta Charging
Robert Lederer, Apollo Commercial Maintenance

APPROVAL OF MINUTES: January 6, 2020 meeting

Mr. Dmytryszyn made a motion, seconded by Mr. Maurer to approve the minutes from January 6, 2020

The Motion to approve the minutes passed by Voice Vote.

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Ch. Rickard reviewed the procedures to be followed for the one scheduled public hearing, explaining that the Plan Commission is strictly a recommending body. The purpose of the meeting is to gather facts, information, and testimony of items on the Agenda. The Plan Commission's decision is not final but is strictly a recommendation to the Village Council for the Council's final decision. He said a report would be forwarded to the Council with a motion to recommend approval, recommend approval with refinements, or recommend denial of the petition. The Village Council makes all final decisions.

Ch. Rickard stated that the Petitioner will present its case to the Plan Commission, followed by questions to the Petitioner by Commission members. The Public will then have an opportunity to make comments before the Commission regarding the case under consideration. Ch. Rickard asked that each speaker provide his or her name and address for the record.

Following presentations by the Public, a member of the Community Development Department will present Staff's report. Upon completion of presentations by the Staff and the Public, the Petitioner will have the opportunity to question statements made or provide a closing statement. The Chairman will then close the public hearing portion of the meeting, and the Commission will review the information provided and ask questions of the speakers. Upon completion of the Plan Commission's deliberation, a Motion will be made containing a recommendation to the Village Council regarding the case.

Ch. Rickard then asked everyone who intended to speak on the petition before the Commission to rise and be sworn in.

PUBLIC HEARINGS

20-PLC-0001: A petition seeking approval for an amendment to Planned Unit Development #18 to amend the master signage plan. The property is currently zoned B-2/PD, General Retail Business/Planned Development. The property is located at the northeast corner of Lemont Road and 75th Street, commonly known as 7221-7451 Lemont Road, Downers Grove, IL (PIN: 09-29-110-002 to -008, -013 to -015). Volta Industries, Inc., Petitioner and PMAT DPP, L.L.C., Owner.

Petitioner's Presentation:

Talar Berberian, Thompson Couburn, provided an overview of the request and then introduced Dawn Zancan. Dawn Zancan, Volta Charging, introduced herself as the Director of Site Development and Site Sales and provided a background of the company and an overview of the Volta's free charging stations, which entered the Chicago market in 2016. She offered various trends and data related to electric charging.

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Mr. Maurer inquired if other communities are using the same model and if the charging stations utilize a universal application of connections for vehicles. In response it was offered that the stations would have a universal charging and the communities that have Volta stations are using the same model.

Mr. Dmytryszyn inquired if the stations will utilize signage on the front and back. Ms. Zancan stated yes and further provided a description of the components of the charging stations. Ch. Rickard noted that there was a discrepancy between the sizes provided in the applicant's submittal. The size was clarified.

Mr. Robert Lederer, introduced himself as the President/Owner at Apollo Commercial Maintenance, the property maintenance company for property ownership. He stated that have the charging stations at the shopping center would be a "win/win" as it would attract shoppers to the center and would provide free charging to customers.

Ms. Berberian returned to the podium and provided an overview of how the request met the standard for an amendment to the PUD. She knows that the request is for the proposed signage, but Volta's business model is tied the charging stations themselves. She stated that the proposed amendment to the PD is consistent with the Comprehensive Plan and other adopted plans for the subject because the stations help achieve diverse and sustainable economic opportunities, the infrastructure for electric vehicles at retail centers draws shoppers and that the stations encourage sustainable energy usage. In regards to whether the proposed complies with the PUD overlay district provisions of Section 4.030.D, the stations meet the goals of energy conservation and sustainability, are compatible with the Comprehensive Plan, provide flexibility and creativity in responding to changing market conditions and incorporate green infrastructure.

Ms. Berberian further stated in regards to whether the proposed amendment will result in public benefits greater than underlying zoning, that this is accomplished through offering free electric charging for Village residents and visitors, attracts shoppers to Village retail destination and helps the Village meet sustainability goals and protect air quality. Lastly, she stated they are in agreement with the draft conditions, but she further requested that the Plan Commission consider a reduction to the time change to 8 seconds for the displays, instead of the 10 seconds as represented in the staff report

Ch. Rickard asked if there were any additional questions from the Commission for the applicant. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

Public Comment:

Paul Hussey, 4932 Prospect Avenue, stated that he is an electric vehicle advocate and has used Volta charging stations in other communities. He further clarified that Telsa vehicles come with adapters for charging stations.

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Scott Richards, 1130 Warren, stated that he thought that these signs would be gaudy and agreed with statements about not going backwards. He stated that he works for the local TJ Maxx and was interested in understanding if the local businesses get to advertise.

Sonja Kasche, 1011 Pinewood Drive, inquired how this impacts electricity availability in the area and stated concerns that residents would end up paying for this.

Nina Patel, 4932 Prospect Avenue, stated she is in support of the charging stations as there is health benefits related to using electric vehicles. She thinks these screens will be appropriate even for those with sensory sensitivities.

Matt Bolson, of Lisle, noted that he is an electric vehicle advocate and that he is more likely to shop at the store because of the charging convenience.

Ch. Rickard asked if there were any further questions or comments from the audience. None responded. He then asked staff to make a presentation.

Staff Presentation:

Gabby Baldassari, Development Planner, said she is presenting an overview of the amendment request to the PUD to permit off-premise sign and electronic message boards on the electronic vehicle charging stations. It was stated that charging stations are considered accessory to the parking lot and are permitted by right and that the signs are subject to the amendment request. Specifically the sign code, prohibits both off-premise signage and electronic changeable copy messages boards.

Ms. Baldassari provided a history of the sign ordinance, noting that the 2005 update had multiple purposes including reducing the number and size of permitted signs and specifically prohibited electronic message board signs. The update provided an amortization period that required all signs to be brought into compliance within 9 years. In 2014 an update was provided to the Village Council that provided a summary of compliance and feedback since the 2005 ordinance was adopted. The study summarized that there was 7 signage plans for PUDs that were permitted deviations to the sign code, but that was only for quantity and size. It was further explained that in 2015 the school district requested that Village Council consider text amendments to permit electronic message board signs. Village Council did not direct staff to prepare the amendment.

Ms. Baldassari stated that based off of the current ordinance and past policy of the Village staff does not recommend approval of the petition. However, if the Plan Commission determines that the request meets the standards of approval for a Planned Development, staff provided a draft motion on page 4 of the staff report.

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Ms. Baldassari summarized the conditions of approval provided in the staff report, should the Plan Commission make a positive recommendation, and asked if there were any questions.

Mr. Maurer asked for more specific language to be provided regarding the condition of approval limiting video content on the display screens. Ms. Baldassari clarified that her description of the conditions was a summary, and that video content was clearly defined in the staff report and conditions of approval.

Commissioner Johnson asked why the electronic sign board was not allowed in 2015. Mr. Zawila said that council did not direct staff to move forward with preparing the text amendment, and at the time, Village Council was the only body that could request a text amendment.

Mr. Dmytryszyn asked why staff recommended a 10 second rotation minimum for display screens. Mr. Zawila commented that this was most consistent with surrounding municipalities, and that the Plan Commission could chose to change this to an 8 second minimum, per Volta's request as part of their deliberation.

Mr. Dmytryszyn asked if there were seven other signs currently allowed in the Village. Ms. Baldassari clarified that there had been seven sign plans for PUDs that permitted deviations since the 2005 update to the sign code, but these were not related to off-premise signage or electronic message boards.

Mr. Boyle asked if the proposed signs would be allowed if the rest of the signs were in compliance. Mr. Zawila said they would not be.

Ch. Rickard asked if there were any further comments. None responded. He then closed the public hearing.

Ms. Johnson asked if surrounding municipalities allowed this type of sign. Mr. Zawila said that most other municipalities do permit electronic message boards, sometimes by right or through a special use process.

Mr. Maurer commented on the size and time limitations listed in the conditions of approval. He said that this could be pointed to as setting a precedent. Mr. Zawila said that a precedent is a matter of opinion and that these regulations are specifically tied to this PUD request. Ms. Johnson believed that this does set a precedent.

Ms. Majauskas said that the property owner did not have a hardship. Ms. Majauskas said everyone will want this type of sign if one is approved.

Mr. Maurer said he doesn't know if the petitioner made a mistake in not including the screen details, or if it was overlooked in the permitting process. Mr. Zawila stated that the approved permit did not clearly demonstrate that the signage would be installed subject to the request in front of the Plan Commission.

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Ms. Rollins said this would not be groundbreaking, as Volta had suggested, that other communities have this technology, and the technology is here to stay. Does this set a precedent in their communities? Mr. Zawila said each community looks at this differently but have mostly permit this type of signage.

Ch. Rickard said that they are providing a service for free, but funding it with advertising. Residents are interested in the free service. Ms. Rollins said that this is more about aesthetics, which are important to Downers Grove. Ms. Majauskas said that the issue is related to signage, not to charging stations. The benefit is only for the owner, not the population.

Ms. Johnson asked how many charging stations are around Downers Grove. Mr. Zawila shared locations along Ogden and Butterfield, but those do not utilize electronic signage.

Ch. Rickard requested to give the petitioner a chance to offer closing comments.

Ms. Berberian said she believes these conditions are very specific and would not set a precedent for others. She suggested perhaps an additional condition that the signs provide a public amenity to further limit others trying to repeat this signs.

Ms. Zancan commented that removing these signs would be very expensive. Also, these stations will not provide an incentive to people to leave their cars in the spaces long term, as the amount of charging provided is limited. Ads are offered at discounted rates to on site tenants. The Village's allotted screen time can be up to the village and changed at a desired frequency. She further added that the range of electric vehicles can be short, especially in the winter, so these stations can make a big difference in providing the opportunity for people to buy electric vehicles. Because electric vehicle drivers must change their habits in order to keep their cars charged, they will be thinking about where they can shop, and are more likely to select stores with charging stations. Lastly she stated that they pay the electrical in a monthly installment to the landlord.

Ms. Berberian thanked the commission and said that they were sensitive to the issue of creating unappealing signage, but this amenity is necessary, and therefore the signage is necessary.

Ch. Rickard closed the public hearing.

Plan Commission Discussion:

Ms. Majauskas said this is giving an added benefit to the owner. Other sign variances were given based off of hardships. This is just a business proposition. A hardship is not caused by the owner, and it didn't pass inspection. This sets a precedent and others will propose similar signs. Others will want lighted signs. The issue is the lighting not the charging station.

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Mr. Maurer said if this was a variance, he would not support it, as it is not consistent with the zoning code. He said that significant compromise has been made by the petitioner, and it can be written in such a way that this cannot be repeated easily.

Ms. Majauskas said other businesses will want this. Ms. Majauskas said it isn't allowed. And we have denied sign variances. Mr. Boyle said this is specific to the PUD.

Mr. Dmytryszyn asked if this is something council should decide. Mr. Maurer said that everything that Plan Commission does is reviewed by Council. Ms. Rollins said that it would be nice to talk about this theoretically rather than having it already been built. Ms. Rollins asked if signage is tied to a specific zoning district. Mr. Zawila said that there are different regulations for the downtown area, Fairview business area and all other commercial districts. Ms. Rollins asked if we could permit this in certain zones to help restrict others.

Mr. Maurer said variances have been allowed due to unique conditions, and these are unique conditions. Ch. Rickard said it might be a goal to provide green infrastructure, and maybe it is a priority to accommodate them. The sign issue is clouded by the electric vehicle use.

Ms. Majauskas said this variance is not up to Plan Commission to decide. She would support this if it were restricted to electric vehicle charging. Mr. Zawila pointed out that charging stations are allowed. Also, that this is not a variance request, it is an amendment to the PUD. The standards that should be used for the recommendation are different than for a variance.

Discussion occurred on responsibility for making this decision, and modifications made to the conditions made in the staff report. It was determined that the term "sponsorship" should be removed from condition 3 and that additional language should be added to condition 8 stating that the operating hours of businesses located in the shopping center, whichever may be more restrictive.

Ch. Rickard asked if there was any further discussion from the Commission. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation:

Mr. Maurer made a motion stating based on the petitioner's submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for a Planned Unit Development as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 20-PLC-0001, subject to the following conditions:

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1. The Planned Unit Development amendment shall substantially conform to the staff report and engineering plans dated 5-3-19 except as such plans may be modified to conform to the Village codes and ordinances.
2. Display screens shall be at least 125 feet from any right-of-way.
3. Display screens shall not rotate displays at a rate faster than 10 seconds per display.
4. Video content messages consisting of flashing, animated, chasing or scintillating is prohibited from being displayed.
5. Every eighth turn of Sponsorship Displays shall be reserved for content provided by governmental entities.
6. Only four charging stations with the associated off-premise electronic signage may be placed in the PUD.
7. Each display screen shall be limited to the dimensions of H 48” by W 27”.
8. Display screens shall be turned off between 10PM and 5AM, or the operating hours of businesses located in the shopping center, whichever may be more restrictive.

Motion seconded by Ms. Rollins.

AYES: Boyle, Dmytryszyn, Maurer, Patel, Rollins, Toth

NAYS: Johnson, Majauskas, Ch. Rickard

The Motion passed

Ch. Rickard welcomed Steve Toth to the Plan Commission. There being no further discussion, Ch. Rickard called for a Motion to adjourn.

Mr. Dmytryszyn moved to adjourn the meeting, seconded by Ms. Johnson.
The Motion carried unanimously by voice vote.

Respectfully submitted,

Community Development Staff
(Transcribed from mp3 recording)