

APPROVED

**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING**

**August 22, 2022, 7:00 P.M.**

Chairman Rickard called the August 22, 2022 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Rickard, Commissioners Boyle, Dmytryszyn, Maurer, Roche, Patel, Toth

**ABSENT:** Commissioner Rector

**STAFF:** Senior Planner, Flora Leon, Planning Manager Jason Zawila

**OTHERS**

**PRESENT:** Adam Barry, Gregg Stahr, Bill Styczynski, Leonard Fisher, Mary Fisher, Vincent Barrett, Joe Birkett, Bill Barrett, Jack Gerberich, Jim Gerberich, Tom Barry, Dave Molnaro, Jeremy Shilga, Brian Barbato, David See, Dan Barbato, Eric Barry, Greg Duchak, Stephen Jagield, Jennifer Barry, Stephanie Lucas, Heather Klauska, Scott Richards, Jayne Jaramillo, Charles Stava, Steven Jagielo, Margie Anderson, Deborah Stava, David See

**APPROVAL OF MINUTES**

Chairman Rickard entertained a motion to approve the minutes.

**MINUTES OF THE AUGUST 1, 2022 PLAN COMMISSION MEETING WERE APPROVED ON MOTION BY COMMISSIONER MAURER, SECOND BY COMMISSIONER PATEL, MOTION PASSED BY VOICE VOTE OF 5-0, WITH DMYTRYSZYN AND TOTH ABSTAINING.**

**PUBLIC HEARING**

Chairman Rickard explained the protocol for the public hearing process and swore in those individuals that would be speaking during the public hearing.

**FILE 22-PLC-0017: A PETITION SEEKING APPROVAL OF A PLANNED UNIT DEVELOPMENT, A REZONING FROM DB TO DB/PUD AND A SPECIAL USE TO CONSTRUCT A 4-STORY MIXED USE BUILDING WITH COMMERCIAL SPACE ON THE GROUND FLOOR AND 24 RESIDENTIAL UNITS ON THE 3 UPPER STORIES. THE PROPERTY IS LOCATED 270 FEET NORTHEAST OF THE INTERSECTION OF ROGERS STREET AND MAIN STREET, COMMONLY KNOWN AS 4915 MAIN STREET, 4919 MAIN STREET AND 4923 MAIN STREET, DOWNERS GROVE, IL (PIN**

**09-08-117-005, -006, AND -007. BARRIERE PROPERTIES, LLC AND URS-JDJAC25 LLC, OWNERS AND ADAM BARRY, PETITIONER.**

Adam Barry, 1908 Hitchcock, introduced himself as the petitioner and owner of Barriere Properties. He indicated that he is seeking approval of a PUD to construct a four story mixed use building that will have 24 residential units and commercial on the first floor. The current property is zoned Downtown Business and currently has two story commercial uses in former single-family homes. He feels that the properties north of the BNSF are decades old and lacks a pedestrian feel, with buildings that lack cohesion. Many of the commercial buildings are offices and lack restaurant options. Most buildings in this area are surrounded by parking and use many curb cuts, which doesn't have a downtown feel.

Mr. Barry then provided an overview of the proposed building including the architecture of the project. He indicated that the development will meet all zoning requirements, with the exception of the underground parking garage and provided an overview of the associated setbacks. He indicated that multiple discussions occurred with Village staff on the project and multi-family with the addition of commercial space was determined to be the best use. He then provided an overview of the outdoor amenities located in the rear, which included separate patios for both the restaurant and the residential uses. He then proceeded to provide an overview of the street side improvements included the reduction of access points to one and an expansion of the existing sidewalk. Mr. Barry then provided an overview of the construction and material selection for the building.

Mr. Barry then provided overview of the height stating that the building will be constructed to 46 feet, under the 70-foot requirement. A summary of the underground parking garage was then provided including confirmation that the parking would meet Village Code. He then stated that the building will be targeted for a 55 plus old community and the apartments would be upscale similar to recent downtown developments. He concluded that he is seeking approval of the PUD for the mixed-use building and that the request meets all standards and consistent with the objectives of the Comprehensive Plan. He hopes that this will serve as a catalyst for future development in the area and the north side of the tracks. The development is a long-term investment and appreciates the counsel of the commission and nearby residents for this project. He then stated that he is open to any questions the commission may have.

Commissioner Dmytryszyn requested that he provide a summary of how stormwater will be handled for the project. Mr. Barry provided an overview of the stormwater facility and infrastructure that will be provided and referenced the facility location on the northeast corner of the site.

Commissioner Boyle clarified the location of the outdoor seating. Mr. Barry provided an overview of the outdoor amenities for the restaurant and the apartments. Commissioner Boyle then inquired if restaurant operators were consulted on the proposed space and if there was concern about parking. Mr. Barry indicated that there is parking available in Village parking lots such as near the Tivoli and across from Starbucks, that are free after certain hours, similar to what other businesses get to use in the area. Commissioner Boyle then inquired about the layout of the residential units. Mr. Barry provided an overview of the units and referenced his presentation, indicated there would be a mixture of 1 and 2 bedroom units. Lastly, Commissioner Boyle clarified what variances are

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being requested. It was indicated, that at the deviation for the rear setback is being requested for the underground parking garage.

Commissioner Patel inquired if there was going to be a loading area for deliveries and move ins and how that would work with traffic. Mr. Barry provided an overview of the loading zone that will be provided on the street, and would also be open to turning restrictions for residents leaving the building.

Chairman Rickard invited for any additional public comment.

Jeremy Shilga indicated that his backyard is immediately south of the project and he purchased his home 2 years ago in hopes of restoring his home. He indicated that 46 feet of the southern border of the property is zoned DB, but the remaining 64 feet is adjacent to residential and 10 to 15 feet of the building border a residential property line. His other stated concern is that this side of the tracks lacks the infrastructure that the south side of the tracks offers. The 2017 Comprehensive Plan indicated that the Starbucks property would become public parking. He stated he is also concerned that there is no precedent to have outdoor seating adjacent to residential and concerned about the hours of operation. He is also concerned about the proposed fencing is not sufficient for the outdoor area that is 7 feet from the property line.

Leonard Fisher indicated that he is concerned about the location and depth of the proposed stormwater facility and that with the proposed fencing he does not have sufficient space to access the rear of his garage.

Scott Richardson, stated it was not clear how access would occur for the project and is concerned about the amount of development that is occurring in the downtown and the traffic impact. He says it very difficult to travel along Main Street and all the town cares about is tax dollars. He feels this project is too big and too dense.

Vincent Barrett stated he has lived here his whole life and mentioned in the past a realtor acquired 4917 Highland and attempted to build a parking lot in a residential backyard and his family banded together to save the neighborhood. He agreed with one of the previous speakers that the outdoor area should not be seven feet from somebody's backyard with children and was concerned about the hours of operation. He feels the petitioner is not asking for a special use, but he is asking for precedent and the next building may be five stories with two restaurants and projects like this will tear apart the neighborhood and he is against this development.

Joe Burkett said he moved here a year and a half ago and loves Downers Grove because it combines the best things about Paris such as the walkability and commercial activity, that is very close and also features big yards like you see in Atlanta. He feels prior Plan Commissions have done a great job and when he first heard about this development, it was a bit concerning. He wasn't aware that this was zoned Downtown Business, but when he went through the regulations it says that Downtown Transition is meant to accommodate and promote transitional land use and development patterns between the DB and DC zoning districts and low density residential areas. He then reviewed the zoning map and could not find one spot that was downtown business right next to single-family properties. It does not make sense to him that this would be zoned for 70 foot buildings right next to residential. He could not find any other examples of a 40-foot building right next to single family. He feels that there is many things that can be done with this property and that

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the proposed parking is at the bare minimum and voiced concerned about the size of the proposed restaurant. Concern was also stated about there being insufficient parking on the north side of downtown.

Stephanie Lucas stated her concern about recent development activity but found solace that the code provides for downtown transitional. In reference to the Comprehensive Plan she indicated that the downtown business area is uniquely located adjacent to the downtown core district with denser commercial development in the downtown transition district in residential neighborhoods with residential characteristics. She stated that she has no idea why we have no transition on this block and recognized that is not the issue to be discussed today; but considering the definition of downtown transition, the guidelines are intended to help prevent intensive downtown development from encroaching into stable residential appearance. She reviewed the Comprehensive Plan and understands that the document is part of the Commission's research and data, but she offered observational data. She stated that the parking that is in the area is already used by St. Joseph and the Tivoli Theater, in addition to other businesses. There is not parking available for an additional restaurant. She then further stated that she is concerned about stormwater management and appreciates the development considered this, but anecdotally she feels the neighborhood is experiencing increased water issues. She then also stated that there will be concern for the lights that will emit from the balconies and people hanging out on their balconies looking in their backyards. Lastly, she stated that the development is inconsistent with the building surrounding the development and that the building massing and height should be proportionate to adjacent buildings.

Charles Stava agrees with all the previous comments and has concern about the proposed traffic. He has always been concerned about the truck traffic for deliveries such as by Starbucks, in addition to not enough parking. He feels that the Plan Commission is disrespecting the residents, just like what happen with the Marquee Condo building that had two large apartment buildings constructed right next to it and how close those buildings are to each other.

Steven Jagielo stated his property runs adjacent to the subject property. He stated he was really engaged with the downtown zoning that occurred in 2018 and communicated with Village Staff, including Stan Popovich. He noted that the subject property is one of two unique properties that is located in the downtown, as it is zoned Downtown Business, but is recommended as Downtown Transition in the Comprehensive Plan. The other is the West Suburban Bank building. He stated that the Village Council left the properties as Downtown Business, because the Downtown Transition District would not allow for the uses that already existed on the block. He is asking that the commission consider this area as downtown transitional and keep it in line with the guidelines that recommend downtown transition, such as building height, that allowed for no higher than 36 feet or three stories, whichever is less. He then passed out pictures to show what this could look from the residential properties located on Highland.

Margie Anderson asked if she could have a copy of the traffic study. Chairman Rickard indicated that the traffic study was included as part of the packet, which is available online.

Jonathan Klauska agrees with the other concerns that have been stated this evening and was concerned about the precedent this would set and the underground garage would complicated the already underperforming stormwater situation on his block. He was also concerned about the impact the outdoor seating would have on the single-family homes.

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Jayne Jaramillo indicated that she is newest homeowner on the block and felt that this development was very discouraging to hear about. She previously lived in luxury condos and what drew her to Downers Grove was the older homes and preserving them. She feels the neighborhood feel will be lost with the placement of apartments that don't help grow families. She also stated concern about the number of patrons that the restaurant would draw.

Jeremy Shilga returned to the podium and stated that that he is commissioner with the traffic and parking commission for the last two years. He made the point that a traffic study has not been completed north of the tracks.

Deborah Stava feels that Main Street is a nightmare and that they have a senior building right across the street from them and ambulances and fire trucks are constantly coming that building. When there are festivals and Main Street is closed down, the traffic pours down their street. With this project the traffic is not only going to affect Highland, but the two blocks in each direction. She also stated concern about the restaurant and every time the fire alarm goes off, the whole building will need to evacuate. She asked that the Plan Commission think about safety first before money or anything else.

David See stated that they have concern about the zoning and that another tall structure will be built in town. He stated that on Gilbert they have many beautiful homes that are being torn down like the townhomes that were built there. He inquired about how much more tax dollars does the Village want to grab and what about the precedent that this will set. He was also concerned about the amount of transients, the occupancy rates of other new apartment buildings and the creep of the rezoning.

Brian Barbato, agrees that there this a lack of infrastructure on the north side of the tracks and that this is the wrong building for this part of town. He feels this building does not look like anything else and would be looking for something similar to Georgia Courts.

An inquiry was made regarding a light study and if it was conducted for the project. Chairman Rickard indicated that was completed for the project and they would need to follow Village Ordinance.

Chairman Rickard then invited staff to make their presentation.

Ms. Flora Leon, Senior Planner, summarized the request stating that the petitioner was requesting approval for a special use, planned unit development, and rezoning. She noted that the proposed scope of work included the construction of a four story mixed-use building with commercial space on the ground and 24 units on the floors above. She provided both a downtown context map and a location map and noted that the subject property was located south of Franklin Street and east of Main Street. She then shared a photo of the public hearing sign that was posted and noted that a phone call was received inquiring more information about the petition. Ms. Leon then provided existing conditions of the parcels and stated that while all the buildings were residential they were currently occupied by commercial office uses.

Ms. Leon provided the parking level plan and summarized the proposed work. She noted that there would be a reduction in curb cuts from three to one. The proposed garage entrance would be located

along the north side of the building. Four parallel parking spaces along Main Street will be proposed along with a 40-foot long loading zone for restaurant deliveries and tenant moving trucks. Additionally, the sidewalks along Main Street will be expanded to the inside of the curb. Ms. Leon then provided the ground floor plan for review. She noted that there would be dedicated commercial space with the intention for this space to be occupied by a restaurant. She then highlighted the rear setback and noted that while the required was 46 feet the garage below grade was only 3 feet setback. This requested deviation was highlighted in table two of the staff report. Next, she presented the front elevation and noted the proposed materials included glass roll up doors, limestone block face, decorative lighting, and metal canopies. Along the rear and side of the proposed building the petitioner proposed the use of fiber cement panel siding to create a smooth transition to the single family residential neighborhood. Ms. Leon then noted that the proposed development was deemed to be in substantial compliance with the Downtown Design Guidelines. She then directed the Plan Commission to pages 5 and 6 of the staff report for detailed notes on the design.

Ms. Leon also noted that the development was consistent with the Comprehensive Plan. She then provided the criteria for the rezoning, planned unit development, and special use and noted that staff believed the criteria had been met. If the board agreed Ms. Leon indicated that a draft motion could be found on page 8 of the staff report for the Commission's review.

Chairman Rickard confirmed that there are no parking requirements for the commercial portion of the project and what was required for the residential portion. Ms. Leon confirmed that there was no parking required for the commercial and that residential required 1.4 parking spaces per unit.

Chairman Rickard then inquired what the separation was supposed to be for the outdoor area. Ms. Leon indicated that the minimum setback is 5 feet. The proposed plans have a seven-foot setback for the patio on the south side of the property and an approximate 25-foot setback to the east for the amenity patio for the apartment use. Chairman Rickard also clarified what the fence requirements are for the outdoor area. Ms. Leon clarified that a 6-foot solid fence is required.

Chairmen Rickard then confirmed if a landscape plan was required. Ms. Leon indicated that a landscape plan was required per the PUD. This was provided in the packet.

Commissioner Dmytryszyn confirmed that the curb cut would lead to an underground garage. Ms. Leon confirmed that was correct.

Commissioner Maurer, commented that he appreciated everyone coming here this evening and the only reason we are here is because the applicant is requesting a PUD, which we used when the project needs to deviate from the underlying zoning code. In this case the developer is building everything else to code, but the rear setback for the parking garage, which code requires a 46 foot setback and the below grade parking will be three feet from property line. We are here to give a recommendation and everyone in attendance can also attend the Village Council, which will make the final decision. He then inquired that they are only here because of the three foot setback. Ms. Leon clarified that this application is in front of the Plan Commission because of a mixture of things. The PUD offers flexibility and the ability to develop a mixed-use building, and not just because of the deviation.

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Planning Manager Zawila further added that the development in front of the Plan Commission is also asking for a special use for the multi-family component. The Commission must utilize the standards in front of them to review the special use in addition to the PUD. That's something that. The PUD is being requested not only for the deviation, but the development itself as a mixed-use building. The site plan and associated elevations are also being reviewed by the Commission this evening.

Chairman Rickard clarified for the public that many comments were made this evening regarding stormwater and he summarized how that is reviewed and that is always addressed as part of the building permit review. Mr. Zawila further added that stormwater concerns are commonly brought up at these type of meetings and confirmed that staff reviews all development, not just the ones requesting zoning approvals under the same code. It is an administrative technical review and the Village, as full waiver community administers the DuPage County Stormwater Ordinance with our own local amendments. He then provided a brief history of recent updates to the Village Code, related to stormwater. Commissioner Maurer further stated that when these developments are approved and constructed, sites are brought up to code and they are in a better condition then they were before.

Chairman Rickard requested clarification on the zoning for the property. Ms. Leon confirmed that all three properties are zoned Downtown Business, although all existing structures have a residential appearance.

Commissioner Maurer confirmed if apartments are allowed special uses in the DB Zoning District. Ms. Leon confirmed that is correct. Commissioner Maurer then confirmed that the three requests in front of the Plan Commission this evening is for the special use, the PUD and the Map Amendment. Ms. Leon confirmed that is correct.

Mr. Zawila then further offered an overview of a PUD. He stated that the PUD, according to our zoning ordinance is an overlay district. It's almost like its own zoning district and that's why it's a map amendment in addition an approval that offers certain entitlements, with certain conditions and deviations from the Zoning Ordinance. It is intended to accommodate developments that may be difficult, if not impossible to carry out under otherwise applicable zoning district standards and the results, public benefits that are at least commensurate with the degree of the developments and flexibility provided. He then further stated that in our code, we list several types of development that might be appropriate for approval. As it relates to this development, this a mixed use developments, which contain a complimentary mix of residential and non-residential uses. As part of the recommendation the Plan Commission will be recommending approval of a PUD site plan, which includes the site plan, building elevations and site specific deviations. The PUD, again, is not just for the deviations but the related site plans and related drawings.

Chairman Rickard inquired if a restaurant was not placed on the ground floor and the patio was not used, would the applicant need to come back for an amendment or is there additional conditions that can be placed. Mr. Zawila indicated conditions can be placed, but the Plan Commission should be aware of the underlying zoning rights that a DB property may have and care should be made when requiring parking, when it is not normally required in the downtown for most uses.

Commissioner Maurer again reiterated that they are here this evening because of the special use the deviation that is requested as part of the setback. Mr. Zawila reiterated that the special use, PUD

and Map amendment request is why the application is in front of the Plan Commission this evening. To give the public perspective, if this building was just a commercial use that met all zoning requirements it would not have to go in front of Plan Commission, but would still require design review in front of the Historic Preservation and Design Review Board.

Commissioner Toth confirmed that the traffic study needed to estimate the amount of current traffic based on the fact that traffic is still lower than the past with the pandemic. Ms. Leon confirmed that is true and the Plan Commission has reviewed traffic studies that used a similar method over the last two years. He then further inquired what were the general conclusions of the study. Ms. Leon stated that the existing infrastructure could handle the proposed development. Mr. Zawila further added that the Village's Traffic Manager reviews the traffic study just like any other project and agreed with the conclusions of the study. Commissioner Toth further inquired if the study included traffic generation from the restaurant. It was confirmed the study did include that as part of its analysis.

Commissioner Boyle inquired if there are other developments in a transitional district that would allow for daylight between lots similar to the proposed development. Mr. Zawila attempted to clarify the question and Commissioner Boyle further explained that with PUDs the Plan Commission has some latitude with development and whether it is consistent with the Comprehensive Plan and impacts on the neighborhood. He is trying to evaluate the impact of having a patio adjacent to the backyards of abutting residential neighborhoods and if this would be a benefit to the existing landowner or the surrounding community. In response, Mr. Zawila stated that this Plan Commission has certainly reviewed commercial cases that are adjacent to single family residential and if it the Plan Commission's desire they may place additional conditions on to a development to minimize the impacts. Mr. Zawila stated that there have been several cases where fence height has been increased or the landscaping buffer was further expanded to help screen commercial uses from single-family residential. He further added that every case should be reviewed on its own merits, but wanted to provide examples on what was provided previously.

Chairman Rickard confirmed what is allowed with the outdoor dining program. Mr. Zawila confirmed that the Village does have an outdoor dining program which limits when outdoor dining can be used throughout the year. He mentioned that the Plan Commission did previously review a restaurant proposal in the downtown, adjacent to residential that did request year round use of a patio. That was not the case with development and it would be subject to the same requirements as other outdoor dining areas on private property.

Commissioner Maurer confirmed that this development is being constructed to the allowable density. Mr. Zawila confirmed that was true. Commissioner Maurer then summarized the development request as it relates to the bulk regulations for the Downtown Business District.

Commissioner Dymtryszn asked staff what they felt was a reasonable height for a building that is located in the Downtown Business District that is allowed a 70 foot building height, but has a recommendation in the Comprehensive Plan for Downtown Transition and what would set precedent. Mr. Zawila clarified that the DB Zoning District allows for up to 70 feet, but must also have a minimum height of 32 feet. He then stated that staff will never use the word precedent and that every case is reviewed on its own merits. By not maximizing the height of the building, staff felt that the proposal in front of the Plan Commission was in line with recommendations of the Comprehensive Plan and supports the proposed height for this project.



Chairman Rickard invited the petitioner to return to the dais to offer closing statement and to address the questions from the evening.

Mr. Barry returned to the podium and stated that the original proposal was for a 57 foot building, but discussing the project with staff and with input from their first neighborhood meeting the height was reduced, in consideration of the neighbors. In regards to the stormwater plan for the project he invited his engineer to the podium to provide an overview of the plan.

Robert Gudmundson, stated he is the engineer for the project and indicated that the project will follow the Villages stormwater ordinance and provided a brief overview of the plan. Chairman Rickard confirmed if the stormwater control will be better then it is today. Mr. Gudmundson, confirmed that is correct.

Mr. Barry returned to the podium and agreed with his engineers findings. He then invited his architect to the podium to further talk about the proposed restaurant, related parking concerns and the building architecture and massing.

Bill Styczynski stated he is the architect for the project, and he has heard a lot of concerns about parking as it relates to the proposed restaurant use. He felt it was important to state that a restaurant can be constructed on this site by right with a building permit and would not be required to provide any parking. He then further discussed the massing of the project indicating that a four story building could also be built by right on the property and the deviation was necessary in order get the sufficient ramp space into the garage and the required parking. He believes his client would also be open to a taller fence and additional landscaping.

Mr. Barry returned to the podium and stated that the traffic study that was review by staff, concluded that there would be no discernable impact that would result from this project with the restaurant.

Commissioner Maurer stated that there are two reasons why we are here tonight, one of which is the special use for the multi-family and the second is related to the setback. The other factors that we have heard tonight related to zoning, screening, lighting will be taken care of with the building permit review, so in terms of that, it is hard to argue against this. He stated he is not a big fan of traffic downtown, but nobody this evening has mentioned transit oriented development. Because of the location of this building in relation to the train station, the traffic impact should be minimal.

Commissioner Patel supports the underground parking setback, since it will not be seen and it appears it will not affect the engineering of the project.

Commissioner Dymtryszn stated that he has concern about parking and that is challenge and Village Council needs to look at additional parking solutions, but he does not think that necessary applies to this specific development. He further stated that when he look at the definition of a PUD and what we're trying to improve, there's a couple of benefits that are at least commensurate with a degree of flexibility that will provide the zoning standards and the degree of flexibilities to do multifamily and to give a slight easing on the rear setback and thinks those benefits are sufficient.

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Commissioner Maurer referenced that the multi-family is an allowed special use in the district and that Plan Commission is a recommending body and appreciates everyone's comments this evening.

Discussion then occurred on what additional conditions may be placed on the project. It was recommended that a condition should be placed on the approvals to increase the fence height to 8 feet, in addition to working with Village staff on hours of operation limitations ahead of Village Council consideration of the project.

Chairman Rickard stated the development seems reasonable to them. He noted there has been a lot of talk about traffic, congestion and parking, but thinks that is actually a good think for the north side of the tracks. He then provided an overview of the zoning about this property and the fact that multiple public hearings were held and it was ultimately determined that the zoning for this property should remain downtown business. He feels that the north side of track needs something to spur some economic development activity. He stated he lives on Main Street and other the rush hour the traffic is not bad. The project meets the height requirements and the variances they are asking for is not detrimental. The only thing that he struggles with is the outdoor patio element adjacent to residential properties and would be concerned about noise, but that being said a resident can have several people in their backyard, late at night and referenced his home as an example. He feels that controls should be placed on the hours of operation. He intends to support the project, with the idea that the fence height is increased and limitations of hours are placed on the outdoor patio.

Commissioner Boyle stated that at the very least a more significant fence should be placed adjacent to the patio area. He feels that this is a creative solution to keep the parking underground, with the requested relief, otherwise the parking would be above ground adjacent to the neighbors. Referencing the property to the immediate south, he is not sure was could be constructed there or what precedents may be set. From a transitional land use recommendation, he struggles that this might not accomplish what the Comprehensive Plan recommended. He is not sure he can support this project, but if this were to move forward, he strongly encouraged that some sort of buffer between the residents and business should be placed.

Further discussion then occurred related to the wording of conditions for the hours of operation limitation and increased fencing height.

**WITH RESPECT TO FILE 22-PLC-0017 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER DMYTRYSZYN MADE A MOTION THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR A PLANNED UNIT DEVELOPMENT, ACCOMPANYING REZONING, AND SPECIAL USE 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 22-PLC-0017, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE SPECIAL USE, PLANNED UNIT DEVELOPMENT AND REZONING SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT, RENDERINGS, ARCHITECTURE PLANS PREPARED BY STUDIO21 ARCHITECTS, DATED AUGUST 1, 2022, ENGINEERING PLANS PREPARED BY RWG ENGINEERING,**

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**LLC DATED AUGUST 8, 2022, LANDSCAPE PLANS PREPARED BY GREEN GRASS, AND TRAFFIC PLANS PREPARED BY KLOA DATED AUGUST 16, 2022 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

- 2. THE PETITIONER SHALL CONSOLIDATE THE THREE LOTS INTO A SINGLE LOT OF RECORD PURSUANT TO SECTION 20.507 OF THE SUBDIVISION ORDINANCE PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT OR BUILDING PERMITS.**
- 3. PRIOR TO ISSUING ANY SITE DEVELOPMENT OR BUILDING PERMITS, THE PETITIONER SHALL MAKE PARK AND SCHOOL DONATIONS IN THE AMOUNT OF \$154,984.92 (\$132,081.96 TO THE PARK DISTRICT, \$16,488.12 TO ELEMENTARY SCHOOL DISTRICT 58, AND \$6,414.84 TO HIGH SCHOOL DISTRICT 99).**
- 4. ALL SIGNAGE FOR THE APARTMENT BUILDING AND FUTURE RESTAURANT SHALL CONFORM TO THE VILLAGE'S SIGN ORDINANCE.**
- 5. THE BUILDING MATERIALS SHALL BE SUBSTANTIALLY CONSISTENT WITH THE APPROVED PLANS AS VERIFIED BY THE VILLAGE AND CONSISTENT WITH THE DOWNTOWN DESIGN GUIDELINES.**
- 6. BICYCLE RACKS WILL BE PROVIDED ON THE SUBJECT PROPERTY AS REQUIRED BY VILLAGE CODE.**
- 7. PRIOR TO THE ISSUANCE OF ANY BUILDING OR DEVELOPMENT PERMITS, THE PETITIONER SHALL PAY TO THE VILLAGE TREE REMOVAL PERMIT FEES SUBJECT TO VERIFICATION BY THE VILLAGE FORRESTER.**
- 8. THE FENCE HEIGHT FOR THE DEVELOPMENT SHALL BE INCREASED TO 8 FEET TALL.**
- 9. EVALUATE THE HOURS OF OPERATION FOR THE PATIO.**

**SECOND BY COMMISSIONER PATEL. ROLL CALL:**

**AYE: COMMISSIONERS DMYTRYSZYN, PATEL, MAURER, ROCHE, PATEL, AND CHAIRMAN RICKARD**

**NAY: COMMISSIONERS BOYLE**

**MOTION PASSED. VOTE: 6-1**

Planning Manager Zawila provide a brief overview of the next steps for the case and noted that two items are scheduled for the September 12, 2022 Plan Commission meeting.

**THE MEETING WAS ADJOURNED AT 9:22 P.M. UPON MOTION BY COMMISSIONER JOHNSON. SECOND BY COMMISSIONER DMYSTRYSZYN. A VOICE VOTE FOLLOWED AND THE MOTION PASSED UNANIMOUSLY.**

/s/ Village Staff  
Recording Secretary  
(As transcribed by MP-3 audio)