

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING JANUARY 5, 2009 7:00 P.M.

Chairman Jirik called the January 5, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

ABSENT: Mr. Beggs, Mr. Quirk

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager; Mr. Damir Latinovic, Village Planner; Mr. Stan Popovich, Village Planner; Mr. Mike Millette, Asst. Dir. Public Works;

VISITORS: Dan Loftus, GC Engineering, 5200 Main Street, Downers Grove; Greg Bedalov, DG Economic Development Corporation, 2001 Butterfield Road, Downers Grove; Gary Mori, Hamilton Partners, 1901 Butterfield Road, Downers Grove; Beth Simmons, Hamilton Partners, 1901 Butterfield Road, Downers Grove; Patricia Blake, ASGE, 1520 Kensington Road, Oak Brook, IL; Dawn Kiesling, Larson Eye Center, 3825 Highland Avenue, Downers Grove; David Schaefer, David A. Schaefer Architects, 5219 Main Street, Downers Grove; Joseph Krusinski, Krusinski Construction Company, 2107 Swift Road, Oak Brook, IL

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

Minutes of the December 1, 2008 Meeting - **Mr. Waechtler made a motion to approve the minutes as prepared, seconded by Mr. Matejczyk. Motion carried by voice vote of 7-0.**

Chairman Jirik reviewed the meeting's protocol for the public and petitioners.

PC-01-09 A petition seeking approval of an amendment to P.D. #31 Esplanade for a two-story office building located at 3300 Woodcreek Drive, Downers Grove, IL (PIN 06-31-103-004); Hamilton Partners, Petitioner; HP-AG Esplanade at Locust Point LP, Owner

Chairman Jirik swore in those individuals who would be speaking on PC-01-09.

Mr. Popovich, Village Planner, stated the petition was for a two-story office building for the American Society of Gastrointestinal Endoscopy (ASGE) at 3300 Woodcreek Drive. He pointed out the site on two aerial photographs. The development will be located on 3.48 acres of the larger parcel. The entire parcel is currently open space.

The 41,800 square foot building will be located at the northwest corner of the site. The building meets all bulk zoning regulations, including setbacks, height, and open space requirements. Access to the building will be through the existing drive aisle off Woodcreek Drive that currently serves the existing Bright Horizons day care center. A 142-car parking lot is located between the drive aisle and the proposed building. The number of parking spaces provided exceeds the required number of

spaces. As shown on the site plan, a future proposed drive will be located to the west of the building. When the drive is completed, the parking lot will have a second entrance. Mr. Popovich noted the new parking lot entrance would eliminate three parking spaces, but the development would still meet parking requirements.

Mr. Popovich stated the proposed building would include an auditorium, training rooms, library, meeting rooms, offices and a loading dock. The exterior will be clad with brick, solar control glass, aluminum panels and sunshades and stone. Mr. Popovich referenced the elevations within his PowerPoint presentation.

Mr. Popovich noted the proposed development meets the intent of the Future Land Use Plan as the site is designated for Office Research. The proposal also complies with the bulk regulations of the Zoning Ordinance.

The engineering improvements include the utilization of the existing curb cut onto Woodcreek that will be expanded in the future to accommodate future development to the south. Mr. Popovich noted stormwater detention has been provided through earlier Planned Development approvals of detention ponds, one of which is located immediately west of the proposal. The petitioner has also proposed two bioswales to treat stormwater. The bioswales are considered Best Management Practices. New utility services will connect to existing utilities along both Woodcreek Drive and Lacey Road. Mr. Popovich stated the Downers Grove Sanitary District has granted its approval for service.

The Village's Fire Prevention Division reviewed the proposal. Mr. Popovich noted an auto-turn exhibit was provided which showed a fire truck being able to enter and exit the site. Two existing fire hydrants along Woodcreek and one proposed hydrant within the site meet Village requirements. The building will require automatic and manual fire detection systems and sprinkler systems.

According to Mr. Popovich, the Forest Preserve District of DuPage County was provided with copies of the proposal. The Forest Preserve did not have any comments. Additionally, the manager of the Bright Horizons day care center spoke with staff after the staff report had been published. She was concerned with the timing of construction. Staff explained the approval process and the location of the construction entrance. Mr. Popovich indicated to the manager and the Commission members that the construction entrance would be at the northwest corner of the site. Mr. Popovich noted according to the Village's Demolition and Construction Site Management Program a post-driven fence surrounding the site will be required.

Mr. Popovich noted staff's belief that the proposal meets the Planned Development standards for approval. The development meets the bulk requirements of the Zoning Ordinance; the use is desirable and will contribute to the general welfare of the community; the development will not be detrimental to the health, safety or morals of the community; and the development is in harmony with surrounding uses.

Mr. Popovich noted staff recommends the Commission forward a positive recommendation to the Village Council with the conditions as noted on pages four and five of the staff report.

Mr. Waechtler inquired about the existing entrance and the impact of new traffic on the adjacent day care. Mr. Popovich noted the counterclockwise flow within the day care center entrance drive

and parking lot. Staff does not believe there will be a traffic conflict between the ASGE office traffic and the use at the day care center. The amount of traffic generated by the ASGE proposal is typical for an office building.

Chairman Jirik asked the petitioner's representative to speak.

Mr. Gary Mori of Hamilton Partners expressed his gratitude to the Commission for hearing this petition. He has been before the Commission many times before and is looking forward to working with them in the future to complete all phases of the Esplanade development. He believes this is a good project and will be a good tenant for Downers Grove.

Ms. Patricia Blake, Executive Director of ASGE, stated their mission is to educate gastrointestinal doctors. The facility they are proposing is a state-of-the-art facility, which will provide training services to doctors from the United States and abroad.

Per Mr. Waechtler's question, Ms. Blake noted they have a 13-month construction timeframe and are hoping to start work in 2009 and complete in 2010. Ms. Blake noted ASGE's main offices are currently in Oak Brook with a training facility in Westmont. The separation of these two main functions is difficult on their staff. The proposed facility would be their headquarters and consolidate their functions into one facility.

Mr. Waechtler inquired if the applicant has met with the day care user and how much traffic the applicant anticipated. Ms. Blake noted ASGE has a staff of around 60 and that would generally be the number of permanent workers at the site. She noted physician training is primarily held over weekends because doctors have practices and patients during the week. She noted not all physicians would be driving to the site as she anticipates using the Doubletree Hotel in the Esplanade to house the physicians and bus them to the site. She believes ASGE will be a positive economic benefit to the community. Ms. Beth Simmons of Hamilton Partners noted Bright Horizons leases the building and they have had preliminary discussions about this proposed project in the past. She noted she has a meeting with Bright Horizons this week to continue discussions.

Mrs. Rabatah inquired about the number and type of delivery trucks. Ms. Blake noted they would be typical delivery trucks and some larger trucks that may bring in new equipment for training. She noted the amount of deliveries would not be significant.

Mr. Matejczyk was concerned with construction starting and then stopping and inquired about ASGE's construction funding. Ms. Blake noted she has funding in place to purchase the parcel from Hamilton Partners this February and is in the process of obtaining funding for the building construction. She noted the funding would cover all construction from site development to building.

Mr. Webster asked about the roof drain discharge being disconnected. Ms. Simmons noted the roof drains will be disconnected to drain into the proposed bioswales, where in accordance with stormwater best management practices the water will be treated before it is discharged into the existing detention ponds.

Upon a question from the Commission, Mr. Popovich clarified the proposed future road to the west would require future Council review and approval, but the approval of the expansion of the day care

drive aisle and the future parking lot entrance at the southwest corner of the parking lot are being requested at this time.

Ms. Simmons noted no other curb cuts along Woodcreek Drive could be provided due to the topographic conditions of the site and the proposed bioswale and the existing berm.

Chairman Jirik suggested adding the word stormwater to staff condition number 2 and the word fire to staff condition number 3.

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

As part of the petitioner's closing statement, Mr. Mori thanked the Commission for their review tonight and hoped to come before them again with additional development.

Mr. Matejczyk noted Hamilton Partners has been before the Commission in the past with good developments and again this is an excellent proposal. Chairman Jirik described how each of the standards for approval was met and felt the development was appropriate.

WITH RESPECT TO FILE PC-01-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PLANNED DEVELOPMENT AMENDMENT SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE PLANS PREPARED BY ARCHIDEAS DATED NOVEMBER 10, 2008 AND REVISED ON DECEMBER 9, 2008; THE PRELIMINARY LANDSCAPE AND LIGHTING PLANS PREPARED BY HITCHCOCK DESIGN GROUP DATED NOVEMBER 10, 2008 AND REVISED ON DECEMBER 9, 2008; AND THE PRELIMINARY ENGINEERING IMPROVEMENT PLANS PREPARED BY COWHEY GUDMUNDSON LEDER, LTD. DATED NOVEMBER 3, 2008 AND REVISED ON DECEMBER 4, 2008, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. A DESCRIPTION OF BEST MANAGEMENT PRACTICES FOR STORMWATER THAT ARE INCORPORATED INTO THE SITE DESIGN AND HOW THEY WILL FUNCTION SHALL BE PREPARED AND SUBMITTED. THE APPLICABLE DESIGN CRITERIA SUCH AS SOIL TYPE, VEGETATION, AND LAND COVER CONDITIONS DRAINING TO THE BEST MANAGEMENT PRACTICE ALONG WITH APPROPRIATE CALCULATIONS SHALL BE INCLUDED.**
- 3. THE PROPOSED BUILDING SHALL HAVE A MANUAL AND AUTOMATIC FIRE DETECTION SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
- 4. THE PROPOSED BUILDING SHALL HAVE A COMPLETE AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**

MRS. HAMERNIK SECONDED THE MOTION.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC-03-09 A petition seeking approval of a Final Plat of Subdivision to consolidate three existing lots into one new lot for the property located at the Northwest corner of Belmont Road and Inverness Avenue, commonly known as 5300 Belmont Road, Downers Grove, IL (PIN's 08-12-409-004,-005,-006); Jeffery K. Swallow, Magnetrol International Petitioner/Owner.

Chairman Jirik swore in those individuals who would be speaking on File PC-03-09.

Mr. Latinovic, Village Planner, presented the petition. The petitioner, Magnetrol International, is requesting approval of the Final Plat of Subdivision to consolidate three existing lots on the property into one lot. The consolidation will prevent any future building expansion to cross existing boundary lines, which is not allowed by the Zoning Ordinance.

The 9.3-acre property is located on the west side of Belmont Road between Wisconsin and Inverness Avenues with access to Wisconsin Avenue and Belmont Road. The property is currently occupied by a manufacturing use, Magnetrol International, manufacturer of level and flow control instruments.

Mr. Latinovic noted staff believes the proposal to consolidate the lots into one large lot is consistent with the Future Land Use Plan. According to the Future Land Use Plan, the property is designated for commercial use. The property is currently used for manufacturing use, and no changes to the use are proposed. The consolidation of the lots will make the property more conducive for future commercial uses and will allow for more space for additional setbacks and screening from surrounding uses.

Mr. Latinovic noted no changes to the existing building are proposed. Any future building expansion will have to meet Zoning and Stormwater Ordinance requirements.

The proposed consolidation also complies with the Subdivision Ordinance. The 9.3 acre lot with over 600 feet of frontage along Belmont Road and Wisconsin and Inverness Avenues each far exceed the minimum requirements for frontage (100 feet) and minimum lot area (20,000 sq. ft.). The existing public utility easement along west property line satisfies the requirement for utility easements. Additionally, all required infrastructure on the property already exists, and no new public improvements are required.

In closing, Mr. Latinovic stated staff believes the proposed Final Plat of Subdivision is consistent with existing and future land uses in the area and recommends that the Plan Commission make a positive recommendation to the Village Council subject to staff's conditions within the staff report.

Chairman Jirik asked if any of the staff's conditions have been addressed. Mr. Latinovic noted the petitioner has already submitted a revised Plat of Subdivision, and Conditions two and three, which have already been addressed, will not be part of the final Resolution voted on by the Council if they are part of the Plan Commission's motion.

Chairman Jirik asked that the petitioner's representative come forward to speak.

Mr. Joseph Krusinski, representing the petitioner, thanked the Commission for their consideration and felt the requested Plat of Subdivision to consolidate the lots was properly described by Mr. Latinovic. Upon a question from Mrs. Hamernik, he explained that Magnetrol produced valves and control switches for manufacturing use. Per Mr. Waechtler's question, Mr. Krusinski identified the three separate parcels on the PowerPoint graphic.

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

Mr. Krusinski closed by thanking the Commissioners for their time.

Mr. Matejczyk noted his surprise that the petitioner had not been before the Commission previously to consolidate the parcels. He believes it is an excellent proposal.

WITH RESPECT TO FILE PC-03-09, MRS. HAMERNIK MADE A MOTION THAT THE PLAN COMMISSION MAKE A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL APPROVING THE PLAT OF SUBDIVISION, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION PLAN PREPARED BY MANHARD CONSULTING LTD. DATED NOVEMBER 24, 2008 AND THE PLAT OF SURVEY PREPARED BY JOSEPH A. SCHUDT & ASSOCIATES DATED AUGUST 13, 2003 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE FINAL PLAT OF SUBDIVISION SHALL BE REVISED TO INCLUDE CERTIFICATES FOR THE DUPAGE COUNTY CLERK AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION ENGINEER.**
- 3. THE VILLAGE DRAINAGE CERTIFICATE AND THE CERTIFICATE FOR THE VILLAGE ENGINEER SHALL BE REMOVED FROM THE FINAL PLAT OF SUBDIVISION.**
- 4. A MYLAR COPY OF THE FINAL PLAT OF SUBDIVISION SHALL BE SUBMITTED PRIOR TO VILLAGE COUNCIL CONSIDERATION.**

SECONDED BY MRS. RABATAH

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC-05-09 A petition seeking approval of a Special Use for an eye clinic in the DB zoning district, property located at the Northwest corner of Forest & Warren Avenues, commonly known as 4958 Forest Avenue, Downers Grove, IL (PIN 09-08-115-029); Daniel J. Loftus, P.E., Petitioner; Dr. Bruce Larson, Owner

Chairman Jirik swore in those individuals who would be speaking on File PC-05-09.

Mr. Popovich, Village Planner, indicated the petition is for a Special Use for a 3,150 square foot outpatient eye clinic and optical shop. In the Downtown Business Zoning District, an outpatient clinic less than 3,000 square feet is a Permitted Use, while clinics over 3,000 square feet require Special Use approval.

Mr. Popovich explained the 10,000 square foot site currently has a vacant bank building on it. The building will be demolished with the new eye clinic being constructed at the southwest corner of the site. There are no setback requirements in the DB district, thus the building is approximately one foot from the east and south property lines. The petitioner is proposing 14 parking spaces and 1,200 square feet of open space. Both the parking spaces and open space meet bulk regulations. Mr. Popovich stated the development meets the bulk regulations of the Zoning Ordinance.

Mr. Popovich noted the interior of the building would house eight exam rooms, a surgery room, optical shop and ancillary spaces. The exterior is brick, stone, and cement board siding.

Mr. Popovich stated the proposal meets the intent of the Future Land Use Plan, which designates the site as commercial. The proposal also meets the intent of the Village's Downtown Pattern Book. The height and massing are similar to neighboring buildings, the exterior materials are of a high quality and the building forms a good street wall along both Warren and Forest Avenues.

Mr. Popovich explained the proposed engineering improvements on the property. The Warren Avenue curb cut is being moved further to the east and the Forest Avenue curb cut will be improved to provide proper turning radii. Staff believes there is a traffic conflict at the northwest corner of the site where two-way traffic off Warren Avenue will conflict with one-way traffic coming in from Forest Avenue. Mr. Popovich noted staff and the Village's traffic engineer recommended a one-way counterclockwise traffic flow within the site.

Mr. Popovich noted the building would be partially located within a floodplain. As such, the petitioner is required to provide compensatory storage for any fill located within the floodplain. Mr. Popovich explained the petitioner is proposing to install this storage under the building. Staff supports this proposal and will require grates in at least two facades to allow water to enter and recede from the storage space. The petitioner will be required to provide an as-built drawing and

calculations regarding the storage after the foundation is poured before additional construction is allowed. No additional construction will be allowed until the as-built survey and calculations have been reviewed and approved by staff.

Mr. Popovich noted the applicant has received a stormwater variance to allow the building floor to be one foot above base flood elevation and to allow surface depths of 18 inches in the parking lot. Mr. Popovich stated the proposal would have to comply with all other regulations of the Village's Stormwater Ordinance, including provisions for stormwater best management practices.

Mr. Popovich stated the Village's Fire Prevention division reviewed the plans, and there is ample space for their equipment. Per Village requirements, the building will include a manual and automatic fire detection system and sprinkler system.

Per Mr. Popovich, no neighborhood comment had been received regarding this petition. Mr. Popovich stated the standards for Special Use approval have been met. The use is desirable and will contribute to the general welfare of the community and the downtown. The use will not be detrimental to the community's health, safety, morals or property values. The proposal complies with the Downtown Business zoning regulations and the proposed Special Use is allowable in the Downtown Business district.

In closing, staff recommended that the Plan Commission make a positive recommendation for the right-of-way vacation subject to staff's conditions within the staff report.

Mr. Matejczyk noted there is significant flooding in the area, which was particularly bad recently. He asked if the proposal would adequately drain the site as the property to the north of it had trouble during the most recent storms. Mr. Popovich noted staff reviewed the proposal and felt the proposal was sufficient. The storm sewers will tie into the existing main within Warren Avenue. Per Mr. Waechtler's request, Mr. Millette, Assistant Director of Public Works, spoke about the flooding. He noted the site and sites to the north are located in a floodplain. The proposed community wide improvements are not slated to do any work in the floodplain as the floodplain has more regulations and stipulations for work within it. Mr. Millette noted the improvements in the Capital Plan might benefit the floodplain. He also said this development and the management of stormwater and the floodplain was acceptable, and the development would not make the area any worse.

A discussion ensued regarding the proposed one-way traffic pattern. Mr. Popovich noted staff was concerned with cars meeting head-on in the parking lot. Additionally, if all the parking spaces were taken up on the west side, the person would have to back out onto Warren Avenue to exit the site or go the opposite way down the one-way drive aisle. Discussion ensued about directional signage and the potential to place an 'entrance only' sign at the Forest Avenue curb cut. Staff explained why they felt it was important to have a one-way traffic pattern on the site, and signs could be used to assist the flow. Staff also noted traffic currently proceeds in a one-way counterclockwise fashion. Mr. Webster noted cars could currently enter the site via Forest Avenue, park and exit onto Forest Avenue.

Chairman Jirik asked that the petitioner's representative speak.

Mr. Dan Loftus, GC Engineering, represented the petitioner. He noted the petitioner was okay with all the staff requests except for the one-way traffic flow. He stated that ITE (Institute of

Transportation Engineers) traffic studies for this use identify 12 vehicle trips at peak time, six into the site and six exiting. Additionally, the plan is to identify the parallel parking spaces as employee only parking. Mr. Loftus noted the intersection of Forest and Warren Avenues where northbound traffic does not stop, but eastbound and southbound traffic does. Therefore, traffic moves slower southbound, and it could be difficult to enter the site if it is one-way counterclockwise. Based on this information, he believes the proposed traffic circulation is better than staff's recommendation. He believes people could make a three-point turn to exit the site if there were no parking spaces.

Mrs. Hamernik was concerned with the parallel parking spaces. Mr. Loftus noted the parking lot is the same footprint as it currently is. There is no curb at this location, and they will be proposing some landscaping immediately adjacent to the parking lots.

Mr. Waechtler inquired about the ownership of the property. Ms. Dawn Kiesling, Larson Eye Center, noted the eye center owns the property already. Ms. Kiesling noted the center performs eye exams, minor surgeries and sells glasses and contacts. She stated the eye center has offices at the Good Samaritan campus on Highland Avenue and in Hinsdale. The proposed office will meet all their requirements for storage and patient care. They are excited to be able to locate in downtown Downers Grove. She noted the typical hours of operation are 8 am to 6 pm, Monday through Friday with some weekend hours. Because they are a retail operation, the goal is to be open when people get off work and to catch commuters as they leave the train.

Chairman Jirik noted there are eight exam rooms and 18 seats in the waiting area. He was concerned about the amount of traffic in the parking lot. Ms. Kiesling noted the center is a family practice, so many times a parent is waiting while a child is in the exam room, or elderly patients are driven to the center and that person waits. Although it is desirable, she did not anticipate the center ever being that busy. Ms. Kiesling noted there are on-street parking spaces that some clients could use as well. If a one-way counterclockwise pattern were proposed, it would inhibit the ability of people to find on-street parking.

Chairman Jirik opened up the meeting to public comment. No comments were received. Chairman Jirik closed Public Participation.

Mr. Loftus closed by thanking the Commission for their consideration.

Mr. Matejczyk believes this is an excellent use for the property. He does not agree with staff's recommendation regarding a one-way traffic flow. He believes it will be more difficult to turn left into the site from Forest Avenue as Forest Avenue gets backed up going southbound during the day and even more so when a train is stopped at the intersection. He believes the natural way is to have both an in and out at Warren Avenue. He does not believe people would have to back out of the parking lot onto Warren Avenue. He stated he makes three-point turns in parking lots downtown and that is something to which you become accustomed.

Mr. Cozzo noted the petitioner has proposed one extra parking space, and the extra space could be striped to provide for a larger turnaround area. Per Mrs. Hamernik's question, staff noted the parallel parking spaces would have to be modified to be 9 feet by 21 feet as 18 feet in length is too short for parallel parking as currently presented on the site plan. As such, one parallel space will most likely be lost.

Mr. Webster noted parking lots have dead-ends, but typically a bull nose is established so the last spaces can exit the site. He agreed with Mr. Matejczyk that the best solution is to have internal conflict rather than stop traffic and conflict on Forest Avenue. He believes if the parallel spaces are reworked and the trash enclosure relocated, a three-point turn could be easily accomplished.

Mrs. Rabatah asked staff if traffic along Forest Avenue was considered. Mr. Popovich noted staff did consider all traffic patterns around the site and felt there was adequate space on Forest Avenue to allow a car to pass a vehicle waiting to turn left into the site. The staff was concerned with the internal conflict.

Mr. Waechtler noted there would still be traffic conflicts on Warren Avenue if the proposed traffic pattern were approved. He noted it might be difficult to make a left turn into the site.

The Commission continued to discuss the traffic pattern and felt it would be best if the petitioner submitted a revised site plan to staff prior to Village Council consideration so that the two-way and one-way traffic pattern as proposed could continue. The revised site plan should show the correct parallel parking space dimensions, additional striping at the northwest corner of the parking lot, a relocated dumpster, and potentially a smaller curb perpendicular to the building and adjacent to the last parking space. Mr. Loftus responded they would be able to provide the revised site plan and would also provide a three-point turn exhibit identifying the ability of a car to maneuver a three-point turn within the parking lot.

WITH RESPECT TO FILE PC-05-09, MR. WEBSTER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE ARCHITECTURAL PLANS SUBMITTED BY DAVID A. SCHAEFER ARCHITECTS DATED DECEMBER 3, 2008; AND ENGINEERING PLANS SUBMITTED BY GC ENGINEERING, INC. DATED AUGUST 6, 2008 AND PLOTTED ON DECEMBER 11, 2008, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PROPOSED DEVELOPMENT SHALL CONFORM TO THE VILLAGE'S STORMWATER MANAGEMENT ORDINANCE EXCEPT FOR THOSE SPECIFIC REQUIREMENTS WHICH HAVE BEEN VARIED THROUGH ORDINANCE NO. 5003 DATED OCTOBER 7, 2008.**
- 3. A DESCRIPTION OF BEST MANAGEMENT PRACTICES FOR STORMWATER THAT ARE INCORPORATED INTO THE SITE DESIGN AND HOW THEY WILL FUNCTION SHALL BE PREPARED AND SUBMITTED. THE APPLICABLE DESIGN CRITERIA SUCH AS SOIL TYPE, VEGETATION, AND LAND COVER CONDITIONS DRAINING TO THE BEST MANAGEMENT PRACTICE ALONG WITH APPROPRIATE CALCULATIONS SHALL BE INCLUDED.**
- 4. THE PETITIONER SHALL PROVIDE AN AS-BUILT DRAWING AND STORAGE CALCULATIONS PERTAINING TO THE COMPENSATORY STORAGE UNDER THE BUILDING AFTER THE FOUNDATION HAS BEEN POURED. NO ADDITIONAL CONSTRUCTION MAY TAKE PLACE UNTIL THE AS-BUILT DRAWING AND STORAGE CALCULATIONS HAVE BEEN APPROVED BY STAFF.**

5. **THE PROPOSED BUILDING SHALL HAVE A MANUAL AND AUTOMATIC FIRE DETECTION SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
6. **THE PROPOSED BUILDING SHALL HAVE A COMPLETE AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
7. **THE PETITIONER SHALL IMPROVE THE FOREST AVENUE CURB CUT TO PROVIDE THE PROPER TURNING RADII.**
8. **THE SIDEWALK ON WARREN AVENUE MUST BE REMOVED AND REPLACED TO MATCH THE REST OF THE DOWNTOWN STREETScape PROGRAM. THE DRIVE APPROACHES ON BOTH FOREST AVENUE AND WARREN AVENUE SHALL BE RECONSTRUCTED TO MATCH THE DOWNTOWN STREETScape PROGRAM. GENERALLY, THE SIDEWALKS AND DRIVE APPROACHES SHALL BE CONSTRUCTED OF COLORED CONCRETE (HARVEST WHEAT PER VILLAGE SPECIFICATIONS) AND HAVE A CALIFORNIA FINISH.**
9. **PRIOR TO VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE AN AUTO-TURN EXHIBIT AND A REVISED SITE PLAN THAT IDENTIFIES 9' BY 21' PARALLEL PARKING SPACES, PROVIDES AN ADDITIONAL STRIPED AREA AT THE NORTHWEST CORNER OF THE PARKING LOT, ADJUSTS THE SIX FOOT WIDE CURB AREA ADJACENT TO THE PROPOSED BUILDING, AND RELOCATES THE TRASH ENCLOSURE. THE AUTO-TURN EXHIBIT SHALL SHOW A THREE-POINT TURN BEING COMPLETED WITHIN THE PARKING LOT.**

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: MR. WAECHTLER

MOTION CARRIED. VOTE: 6-1

Mr. Waechtler concurs with staff and the traffic manager. He believes there is a traffic conflict within the project site. He commended the petitioner for a good site plan but believes there is an internal traffic conflict.

Mr. O'Brien followed by explaining the notion of Best Management Practices. Best Management Practices is a new stormwater term that will become more common in the future. The County adopted Best Management Practices last year and they became effective in August 2008. The Village automatically adopted them and is working with applicants. Mr. Millette noted these practices treat pollutants in run-off on-site before it enters the public stormwater system.

Mr. O'Brien noted the next meeting in February would include the redevelopment of the BP gas station at 75th and Lemont and a text amendment for temporary uses.

APPROVED 02/02/09

**MR. WEBSTER MOVED TO ADJOURN THE MEETING. MRS. HAMERNIK
SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 9:35 P.M.**

Stan Popovich
Damir Latinovic

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING FEBRUARY 2, 2009, 7:00 P.M.

Chairman Jirik called the February 2, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

ABSENT: Mrs. Hamernik, Mr. Quirk

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager, Mr. Stan Popovich, Village Planner and April Holden, Village Clerk

VISITORS: Mr. Andrew Barnett, WD Partners, 7007 Discovery Blvd., Dublin, OH; Mr. Vitas Maciukevicius, BP, 801 Warrenville Road, Lisle, IL

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

MINUTES OF THE JANUARY 5, 2009 MEETING - MR. WAECHTLER MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MRS. RABATAH. MOTION CARRIED BY VOICE VOTE OF 7-0.

Chairman Jirik reviewed the meeting's protocol for the public and petitioners.

PC-02-09 A petition seeking an Amendment to P.D. #9 The Grove for a Special Use for a Service Station and a Special Use for a Car Wash. The subject property is located at the Northwest corner of 75th Street and Lemont Road, Downers Grove, commonly known as 1200 75th Street, Downers Grove (PIN-09-30-201-002); P. W. Brasse, Petitioner; BP Products North America, Inc., Owner

Chairman Jirik swore in those individuals who would be speaking on PC-02-09.

Stan Popovich, Village Planner, reviewed the petitioner's request before the Plan Commission. He explained the petitioner was seeking approval of an Amendment to Planned Development No. 9 - the Grove Shopping Center and two Special Uses -- one for a service station and one for a car wash. The property, zoned as B2, General Retail Business, is located at the northwest corner of 75th Street and Lemont Road. Currently a convenience store and canopy with gas pump islands exist on the site.

Turning commissioners' attention to the overhead, Mr. Popovich explained the petitioner plans to completely redevelop the site and the two existing curb cuts on Lemont Road will be replaced with one new curb cut. On 75th Street, the far eastern curb cut be closed in its entirety but the far western curb cut on 75th Street will be slightly modified and remain, as will the connection to the adjacent shopping center.

Mr. Popovich reviewed the development to take place; i.e., a new 2,900 sq. ft. convenience store along the north property line; a car wash on the western property line, and five proposed fueling

stations under a new canopy in the middle of the site. A fully enclosed trash dumpster will be located to the east and north of the car wash. Landscaping will be incorporated and used to screen certain parts of the development. Materials of the convenience store followed; i.e., brick and EIFS. Mr. Popovich indicated Staff was comfortable with the materials presented by the petitioner.

As currently proposed, Mr. Popovich stated the buildings meet the setback and height requirements for the B-2 District as well as the bulk requirements under the Zoning Ordinance. Staff believes the proposed development is consistent with the Village's Future Land Use Plan.

The petitioner is proposing a single monument sign at the southeast corner of the site. Wall signage will be located on the south and east facades of the convenience store and canopy at the east side of the car wash. All proposed signage meets the requirements of the Sign Ordinance.

Again, Mr. Popovich reviewed the curb cut changes to occur, noting the curb cuts to Lemont Road and 75th Street will limit turning movements to right-in/right-out only. Mr. Popovich indicated there will not be physical restrictions in the driveways, but there are barrier medians along both Lemont Road and 75th Street that will eliminate left turns to and from the site. The petitioner is also proposing to install "No Left Turn" signs at each egress point. Since the road access to the shopping center will remain and allow for vehicles exiting the car wash, a speed hump will be installed to slow traffic along that access drive.

Stormwater detention will be provided through the existing detention basins, and per staff, best management practices for stormwater will be installed per Village requirements. The installation of new utility services is planned as well. Sufficient access to the site has been confirmed by the Fire Department, and the buildings will be equipped with a manual and automatic fire detection system and sprinkler system.

To date, staff has not received any written neighborhood comments on the proposal and believes the standards for a Planned Development Amendment and Special Uses have been met. Mr. Popovich summarized that the proposal provides open space, parking, and stormwater management, is desirable, will not be detrimental to the health, safety, morals and general welfare of the community and the development is in keeping with the surrounding character of the area.

Based on the findings discussed by staff, staff recommended that the Plan Commission forward a positive recommendation to the Village Council regarding this petition based on the conditions listed on page 5 of staff's report.

Mr. Matejczyk voiced concern about the speed bump after leaving the car wash area and recommended moving the speed bump further west. Mr. Popovich stated the speed bump could probably be located further west. As to Mrs. Rabatah's question about best management practices for stormwater being followed, Mr. Popovich explained the Village's Development Engineer would review and approve the plans prior to a permit being issued. As to Mr. Cozzo's question about the request for the Special Use when gas pumps currently operate and exist on the site, Mr. Popovich believed the site may have not received a Special Use permit prior and, therefore, the Special Use had to be approved. In addition, the services were being expanded on the site. Per staff, existing tanks will be removed and replaced with tanks that are more current.

Staff explained to Mr. Waechtler how the petitioner met the zoning requirements for the floor area ratio.

Petitioner, Mr. Andrew Barnett, with WD Partners, 254 Frankfort Square, Columbus, Ohio, introduced himself and BP representative, Mr. Vitas Maciukevicius. Mr. Barnett concurred with staff's summarization, stating basically, the station will be upgraded similar to the one at Main and Ogden. Materials will be upgraded and green space will be increased. Mr. Barnett stated he and staff reviewed a "pork chop" access for the site and agreed that it would not work well with the service deliveries.

Mr. Cozzo asked about vehicle queuing for the car wash to which Mr. Barnett stated that six vehicles will be allowed. As to the operation of the actual car wash and how the vehicles move through the wash, Mr. Maciukevicius explained the equipment would move around the car, allowing two vehicles to be in the stall simultaneously -- one exiting the drying area while one pulls into the wash area. The driver would have complete control over his/her vehicle. Per Mr. Barnett, no tables or chairs are proposed in the convenience store.

Mr. Waechtler inquired about the fuel truck route, referencing the fuel truck route at Main and Ogden. Mr. Barnett explained he did submit the proposed route to the Village. The route will not travel through the shopping center. Mr. Waechtler cautioned staff regarding the fuel truck turning north at the Main and Ogden intersection. However, he appreciated the curb cut improvements being proposed at this site. Mr. Barnett assumed the 75th Street curb cut would probably be modified to allow a tanker to get into the site. Mr. Barnett also confirmed that low groundcover landscaping was being planned immediately north of the speed bump. Per Mr. Maciukevicius, the site would be a franchisee operation. Lastly, asked if future consideration of alternative fuel storage was thought by the petitioner, Mr. Barnett explained some of the challenges for such type of fuel system. Lastly, it was noted the hours of operation would be 24 hours/7 days.

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

Commissioner Waechtler noted the significant improvements to the site and the good traffic flow being proposed. Mr. Matejczyk agreed it was a well thought-out proposal and after hearing the explanation about the speed bump location, his initial concern was alleviated. Chairman Jirik added and agreed with staff that the findings for approval were met for Planned Development and Special Use and believed the proposal would contribute to more economic development in the area. Asked if there was an access easement west from the car wash area, Mr. Barnett stated there was an existing ingress/egress easement.

WITH RESPECT TO FILE PC- 02-09, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING SIX (6) CONDITIONS:

1. THE PLANNED DEVELOPMENT AMENDMENT AND SPECIAL USES SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ARCHITECTURE AND ENGINEERING PLANS PREPARED BY WD PARTNERS DATED OCTOBER 22, 2008 AND REVISED ON NOVEMBER 17, 2008 AND DECEMBER 22, 2008; PROPOSED BUILDING ELEVATIONS PREPARED BY WD PARTNERS DATED DECEMBER 19,

2008; AND THE CANOPY PLANS PREPARED BY MCGEE CORPORATION DATED MAY 25, 2004, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

- 2. A DESCRIPTION OF BEST MANAGEMENT PRACTICES FOR STORMWATER THAT ARE INCORPORATED INTO THE SITE DESIGN AND HOW THEY WILL FUNCTION SHALL BE PREPARED AND SUBMITTED. THE APPLICABLE DESIGN CRITERIA SUCH AS SOIL TYPE, VEGETATION, AND LAND COVER CONDITIONS DRAINING TO THE BEST MANAGEMENT PRACTICE ALONG WITH APPROPRIATE CALCULATIONS SHALL BE INCLUDED.**
- 3. THE PROPOSED BUILDING SHALL HAVE A MANUAL AND AUTOMATIC FIRE DETECTION SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
- 4. THE PROPOSED BUILDING SHALL HAVE A COMPLETE AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
- 5. ALL PROPOSED SIGNAGE SHALL COMPLY WITH THE VILLAGE'S SIGN ORDINANCE.**
- 6. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE PETITIONER SHALL SUBMIT MATERIAL SAMPLES OF THE PROPOSED EXTERIOR BUILDING MATERIALS FOR REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

MR. COZZO SECONDED THE MOTION.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC-04-09 A petition seeking an amendment to Chapter 28 of the Municipal Code – Zoning Ordinance Article X - Use Regulations to modify the Village's Temporary Use Regulations; Village of Downers Grove, Petitioner

Chairman Jirik swore in those individuals who would be speaking on PC-04-09.

Jeff O'Brien, Planning Manager was requesting a text amendment as it relates to the Village's outdoor and temporary use regulations. Staff was asking that the Plan Commission remove the

Outdoor and Temporary Use Regulation from the Zoning Ordinance and place it in a new chapter of the Municipal Code (Chapter 4). Mr. O'Brien explained the work on this proposal included efforts by Planning staff, the Village's Legal Department and the Village Clerk's Office. He noted currently the Outdoor Use and Temporary Use regulations were currently covered in three chapters (Chapters 8, 19, and 28) and were now to be placed in a new Chapter 4 with references to remain in the Zoning Ordinance. The new ordinance of Chapter 4 would refer back to the permitted and special use lists in the proper zoning districts.

Mr. O'Brien explained currently, all Temporary Use permits are handled through the Village's Communications Department.

Goals of the proposed modifications were to: 1) consolidate the temporary and outdoor use regulations into one code section, and to be handled by the Community Development Department; 2) provide a more user-friendly review process; and 3) write the temporary and outdoor use regulations in a manner to match the Strategic Plan's goal of maintaining an Authentic Downtown and recognizes the unique nature of the Village's Downtown.

Staff is proposing that the temporary uses, outdoor sales/display, and outdoor cafes be placed into the permitted uses category to match the Village's Strategic Plan goal of maintaining an Authentic Downtown. He stated performance guidelines would be included for outdoor café uses so that such uses have clearly defined operating regulations.

Mr. O'Brien stated the proposed ordinance was given to the business organizations for their review and input, and who may be offering some refinements to staff. Staff recommended approval of the proposal, noting no definitions were being revised.

As to the specifics of the Plan Commission's jurisdiction on this proposal if adopted, Mr. O'Brien explained the Plan Commission would be in charge of Chapter 28 only and the Temporary Use Ordinance would refer back to the Zoning Ordinance. He clarified anything that falls under a temporary use, must also fall under the permitted uses of that zoning district, unless it was a not-for-profit agency. Examples followed. Asked if the provision would take away from anything the Plan Commission considered currently, staff confirmed it would not.

Staff was asked to explain its examples of certain definitions, such as "time period," and "an activity incidental to the use of the property or business." Noise and sound amplification with respect to cafes was briefly discussed. Mr. O'Brien indicated there were rules prohibiting sound amplification and limiting hours of performance for outdoor cafes. He also explained the enforcement procedures if violations occurred.

Chairman Jirik summarized the proposal was a consolidation for the ease of operation by the Village in order to facilitate the burden of review. Staff concurred and added it was also easing the customer's understanding of the provisions.

Mr. Beggs voiced concern about staff's proposal. Specifically, Mr. Beggs was concerned that the regulations were being removed from the Zoning Ordinance and how the Plan Commission would be charged with overseeing these regulations if they are removed. Mr. O'Brien provided further explanation of the proposal. He stated the Plan Commission would not have direct oversight over the temporary and outdoor use regulations per the current proposal. Chairman Jirik explained his

understanding of the process for better clarification. The Chairman indicated the Plan Commission would still have purview over any permanent outdoor display areas for project's requiring Commission review. Mr. O'Brien added if a new restaurant was to be built with a permanent outdoor café and needed no Plan Commission review for the café per se, but other zoning matters associated with the project may need to be reviewed by the Commission. He cited the 5100 Forest project as an example.

Questions followed on other types of businesses and whether they had to continually seek a temporary use display permit or not, such as gas stations selling bags of mulch, in which staff confirmed they did. To Mr. Webster's concern about businesses displaying their wares after business hours, Mr. O'Brien explained the rule pertained to downtown businesses and their wares being displayed on the sidewalk.

Chairman Jirik opened up the meeting to public comment.

Village Clerk April Holden, 1231 Ross Court, Downers Grove, thanked the commissioners for listening to the proposal. She wanted to clarify some issues. First, with regard to a business seeking to permanently display outdoor gym sets, etc., she said it would not fall under a temporary use and would need a different type of permit. Secondly, she said Village staff wanted to address limiting those businesses coming to Downers Grove and using parking lots, which are not related to the businesses in those shopping centers. She stated that the Village Council would also continue to have authority over outdoor cafes, upon staff recommendation. Lastly, Ms. Holden stated that the Village does want to monitor certain activities, such as the motorbike displays on Ogden Avenue.

Hearing no further comments from the public, Chairman Jirik closed public participation.

WITH RESPECT TO FILE PC-04-09, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL ON THE ABOVE PROPOSAL.

MR. WEBSTER SECONDED THE MOTION.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Mr. O'Brien announced the Village started its Total Community Development process for the 3rd time. The first Community Workshop is scheduled for March 4, 2009 at the Downers Grove South High School at 7pm. Commissioners were encouraged to attend. Information is available on the Village's website: www.downers.us. Commissioners were asked to call Mr. O'Brien with any questions.

Of special note, Mr. O'Brien announced the birth of a baby girl for Mr. and Mrs. Quirk.

Lastly, staff would let the commissioners know if the March 2nd meeting would be held. However, commissioners were asked to reserve the March 23rd date. Staff would also follow up on the commissioners' I.D. cards.

MR. WEBSTER MOVED TO ADJOURN THE MEETING. MRS. RABATAH SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 8:35 P.M.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
MARCH 2, 2009, 7:00 P.M.

Chairman Jirik called the March 2, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

ABSENT: None

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manger; Mr. Damir Latinovic, Village Planner

VISITORS: Jennifer Lawrence, 4736 Linscott Ave., Downers Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance. The meeting's protocol followed.

Chairman Jirik noted a change in the agenda. He announced the following application:

PC-07-09 A petition seeking Zoning Map Amendment to rezone a portion of the property commonly known as 340 Burlington Avenue, specifically three existing parcels (PIN's 09-09-109-015,-016,-017) located east of the existing building, from B-2, General Retail Business to B-3, General Services & Highway Business district. The property is located at the Northwest corner of Burlington & Wilcox Avenues, commonly known as 340 Burlington Avenue, Downers Grove (PIN 09-09-109-013, -014, -015,-016,-017); Brian McLachlan, Petitioner; Oak Properties, Ltd., Owner

Would not be discussed at the meeting. Per staff, this matter was deferred and will require a republishing in the newspaper. The petition will be on the April 6, 2009 agenda and be the first agenda item. No further action is required from the board.

MINUTES OF THE FEBRUARY 2, 2009 MEETING - MR. MATEJCZYK MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. WEBSTER. MOTION CARRIED BY VOICE VOTE OF 7-0.

PC-06-09 A petition seeking a Final Plat of Subdivision to consolidate two existing lots into one new lot for the property located on the West Side of Linscott Avenue, approximately 100 feet North of Prairie Avenue, commonly known as 4736 Linscott Avenue, Downers Grove (PIN 09-07-205-022-023); Rodney & Jennifer Lawrence/Petitioners/Owners

Mr. Latinovic explained the petition is for the property commonly known as 4736 Linscott Avenue, zoned R-4 Single-Family Residence District which consists of two lots of record, with the south lot improved with a single-family residence and detached garage. The north lot is vacant and is used as open space by the owners. The petitioner wishes to consolidate the two lots into one 100-foot wide by 132-foot deep lot to allow for a future addition to her home without crossing the property line.

Both the Village's Future Land Use Plan and Land Use Map designate the property as Residential. The consolidation will allow the property owner to add an addition onto the northern part of the residence and maintain the property for residential use. The existing Residential use is a permitted use in the district. Also, the consolidation of the two existing lots into one larger lot will increase the side yard setback from five feet to ten feet. To date, no new construction is being proposed by the petitioner, and any future addition will have to meet all Zoning Ordinance requirements.

The proposed new lot will meet all minimum lot dimension requirements. At this time, the petitioner has not requested any exceptions from the Subdivision Ordinance. The new combined lot will include an existing five-foot wide utility easement along the rear property line and new five-foot wide easements along the north and south property lines, which meet the public utility easement requirements.

Staff has not received any comments from the neighbors. Staff believes the proposed Final Plat of Subdivision to consolidate the two existing lots into one new lot is consistent with the Zoning and Subdivision Ordinances and other planning objectives of the Village.

Staff recommends the Plan Commission make a positive recommendation for the Final Plat of Subdivision associated with PC-06-09 to the Village Council subject to the one condition outlined in the Staff Report.

For clarification to the petitioner, Ms. Hamernik asked if the increase in side yard setback would put the house as a legal non-conforming house. Mr. Latinovic did not recall how far the existing house was from the existing south property line but indicated the change in the required side yard setback could create a legal non-conforming structure, if the existing house is not already a nonconforming structure. If the existing house is less than 10 feet from the south property line it would not comply with the new side yard setback and the house becomes a legal nonconforming structure. If the house is damaged by any means past 50% of its value, it would have to be constructed back in full compliance with the current code, which would require a 10-foot setback from the south property line. Mr. Latinovic stated this issue was discussed with the petitioner, and the petitioner is fully aware of the situation.

Mr. Matejczyk inquired about a swimming pool that used to be on this lot and similar situations were pools are constructed on vacant lots adjacent to homes. Mr. Latinovic stated prior to the zoning change in September 2006, multiple lots of records were considered a one zoning lot, and the owners were allowed to cross boundaries within their property and construct accessory structures, such as pools on vacant but adjacent lots of record. Now, a zoning lot coincides with a lot of record and all structures must be on one lot of record or a special use must be obtained.

Asked how many lot consolidations the Village was seeing, staff stated the Village has been seeing an increase since the change in the Zoning Ordinance in 2006. Mr. Latinovic recalled the consolidations are being created for larger lots and to clean up the smaller, non-conforming lots, which was the Village Council's intent.

Ms. Jennifer Lawrence, petitioner/owner of the property, reiterated her goal was to consolidate the two lots, which she purchased approximately ten years ago. Eventually she would like to add an addition to the north side of the home but keep a large portion of the current yard. As to relocating the driveway after the addition is added, she intends to have an attached garage on the addition

given that a driveway cut already exists on the northern property. The second driveway cut would be removed and restored to a yard.

Chairman Jirik opened up the meeting to public comment. There being no public comment, public participation was closed.

Mr. Matejczyk stated that he is familiar with the property and supports the petition to consolidate the lots to allow for future home expansion.

WITH RESPECT TO FILE PC- 06-09, MS. HAMERNIK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE FINAL PLAT OF SUBDIVISION, SUBJECT TO THE FOLLOWING CONDITION:

- **THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE R&J LAWRENCE RESUBDIVISION PLAT PREPARED BY LANDMARK ENGINEERS AND SURVEYORS, DATED JANUARY 15, 2009 EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

MR. WAECHTLER SECONDED THE MOTION.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 9-0

Mr. O'Brien confirmed the next meeting would be April 6, 2009 with two agenda items. An annual report was available in the back of the room for commissioners' review. The TCD-3 workshop will kick off on March 4, 2009, at 7:00 p.m., Downers Grove South High School in the Cafetorium, Entrance No. 2. He encouraged Commissioners to attend. A brief explanation of the format followed. Staff hopes to walk away from that meeting with an understanding of the community's issues and concerns.

MRS. HAMERNIK MOVED TO ADJOURN THE MEETING. MRS. RABATAH SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 7:30 P.M.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
APRIL 6, 2009, 7:00 P.M.

Chairman Jirik called the April 6, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

ABSENT: Mrs. Hamernik

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager; Mr. Damir Latinovic and Mr. Stan Popovich, Village Planners

VISITORS: Michelle Jackson, 4020 Grove Avenue, Western Springs; Benson Sennestrom, 4941 Wilcox Avenue, Downers Grove; Ray Morrissy, 5015 Wilcox Avenue, Downers Grove; Brian & Colleen McLachlan, 605 Rogers Street, Downers Grove – Petitioners; Tina Krumbrick, 5442 Ashbrook Place, Downers Grove; Sandra Raschke, 450 Florence Avenue, Downers Grove; Gerald Hodina, 3004 Wilcox Avenue, Downers Grove; Sandra Fabian, 5019 Fairview Avenue, Downers Grove; Jean Gottlieb, 1603 Janet Street, Downers Grove; Nicole Kibiloski, 1016 Blanchard; Audrey Elisha, 4533 Bryan, Downers Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

MARCH 2, 2009 MEETING MINUTES- MR. COZZO MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. MATEJCZYK. MOTION CARRIED BY VOICE VOTE OF 8-0.

The meeting's protocol followed. Chairman Jirik swore in those individuals who would be speaking on behalf of File PC-07-09.

PC-07-09 A petition seeking an amendment to Chapter 28 of the Municipal Code – Zoning Ordinance Section 28.606 B-2 District Special Uses to amend the list of Special Uses in the B-2 General Retail Business District to allow an animal kennel as a Special Use; Brian McLachlan, Petitioner

Mr. Damir Latinovic, Village Planner, discussed the petition before the Commission seeking approval of an amendment to Section 28.606 B-2 District – Special Uses of the Zoning Ordinance to allow an animal kennel to the list of permitted Special Uses in the district. He explained an animal kennel, as defined in the Zoning Ordinance, is a facility that has over four (4) domestic animals or which has more than two (2) animals boarded for compensation or kept for sale. Mr. Latinovic explained the parameters of the B-2 District in general. More specifically, the B-2 areas are currently located around the Belmont Road and Fairview Avenue Metra stations, at the intersection of Belmont Road and Maple Avenue, at the intersection of Main and 63rd Streets, the

Meadowbrook Shopping Center at 63rd Street and Woodward Avenue and the corridor along the north side of 75th Street.

Mr. Latinovic explained there are uses in the B-2 district that are similar in nature to the animal kennel, such as animal hospitals, which are by-right permitted uses and are allowed to board animals for a short time. Having the kennel use listed as a special use would allow the Village more control over the use and would require the Plan Commission review and Village Council approval for such use proposed in B-2 district.

Per Mr. Latinovic, staff did not receive any neighborhood comments on this petition and believes the petitioner's proposal is consistent with the intent of the Zoning Ordinance to allow the Village more control over land use development, specifically the animal kennel use, which is a more intense use. Therefore, staff recommended the Plan Commission forward a positive recommendation to the Village Council.

Clarification questions followed. The Chairman inquired of staff whether there was any consideration, within the definitions, to codify what an animal kennel is. Wherein, Mr. Latinovic stated the definition was reviewed, and the existing definition described the use sufficiently that staff decided not have to add a new use and definition just for the B-2 district. Per staff, veterinary hospitals remain a separate use and this specific request would not include a veterinary hospital. As to what animals were not allowed to be kenneled, Mr. O'Brien clarified Chapter 5 of the Code addresses the animals that are allowed in the Village, with certain limitations. Typically, animals allowed in a kennel are those found in a Village pet store.

As to a maximum number of animals allowed in a kennel, Mr. Latinovic stated there was no maximum number listed. The Department of Agriculture regulates that figure. He pointed out, as proposed, an animal kennel in the B-2 district would be allowed only as a Special Use, which would be reviewed by the Village Council so that specific limitations could be considered and/or imposed, if necessary. As to why the animal kennel should be extended into the B-2 district as a special use, Mr. Latinovic explained the existing B-2 district areas in the Village are in essence not much different from the areas zoned B-3 where an animal kennel is allowed. Per a question, Mr. Latinovic stated the petitioner came forward with the request for an animal kennel for a specific location zoned B-2. In order to continue with that request, the petitioner must amend the Zoning Ordinance to allow an animal kennel in the B-2 district as a Special Use. Staff explained the use is more Village-wide in nature and B-2 areas of the Village have better access for such use. Per a question, Mr. Latinovic replied he was not aware of any other inquiries for kennels in the B-2 district.

To the point, the Chairman noted the petition was a request to add two words to the list of Special Uses under the B-2 district and create the possibility to site such a business in the future since one could not currently. The Commission was not approving a specific activity for a specific location.

Chairman Jirik then asked staff to strike the final page of the packet because he found it prejudicial.

MR. BEGGS MOVED TO REMOVE THE LAST PAGE OF STAFF'S PACKET, SECONDED BY MR. WAECHTLER. MOTION CARRIED BY VOICE VOTE OF 8-0.

Per Mr. Beggs' question, Mr. Latinovic did not research other local municipalities as to their business district classifications nor what districts allowed animal kennels. It was noted that a few animal kennels in the Village were grandfathered in even though they were located in residential areas. A description followed on the location of the various existing kennels within the Village. In some cases, the grandfathered kennels keep the animals outside in a kennel the entire day while in other cases, the animals are inside for the majority of the day and taken outside at specific times.

Mr. Matejczyk raised concern on the fact that no Special Use requirements existed for the B-3 district or the Light Industrial use, and, in fact, he queried whether it made sense to have a Special Use requirement for animal kennels for all districts since a noise factor existed with all kennels. Staff shared the same concern. Commissioner Waechtler supported Mr. Matejczyk's comments for considering the Special Use for all districts. As to the Village receiving complaints from any of the existing kennels, staff stated there were no complaints received over the past two years. However, prior to that, the Community Response Center did receive some calls regarding the noise coming from the kennels located in the residential areas (Bel Aire and Dunham Road).

Mr. Brian McLachlan, 605 Rogers Street, Downers Grove, petitioner, discussed he arrived at the request with the assistance of staff and stated he could locate his business in a B-3 property by right. He considered combining two parcels and rezoning to B-3 district but received negative comments from the community and, therefore, decided to amend his proposal to allow animal kennels as Special Use in the B-2 District.

Again, the Chairman reminded the Commissioners that this particular hearing was discussing the addition of two words to the Zoning Ordinance, and each petition was based on its own merits and separate from any other petition. Chairman Jirik proceeded to open up the meeting to public comment and clarified the differences between PC 07-09 and PC 08-09.

Mr. Ray Morrissy, 5015 Wilcox Avenue, Downers Grove, had a question on the limitation of animals and asked for clarification between the B-2 District and B-3 District. He asked why B-2 would even be considered then, given that the animal kennel is covered by the B-3 and M-1 zoning. He stated he was new to the area and believed the B-2 district was unique. He did not support the request.

Ms. Tina Krumbrick, 5442 Ashbrook Place, Downers Grove, suggested the Commissioners approve the two words in this petition and then review the second petition more thoroughly.

Ms. Sandra Raschke, 4950 Florence Avenue, Downers Grove, asked the Chairman to explain the differences between the business districts. She did not support the petition.

Hearing no more comments, Chairman Jirik closed public participation. The petitioner had no closing comments.

Mr. Matejczyk noted no concerns with this petition and reiterated his request to consider the petition for all business districts. Mr. Waechtler concurred stating he preferred the Special Use permit for all kennels, including the B-2 District. He noted the Commission and the Village Council had jurisdiction over such petitions. Mr. Beggs pointed out the intensity of the 57 uses already allowed in the B-2 District and it could be a legitimate reason to add another business, but with an additional review by this Commission and the Village Council.

Chairman Jirik reiterated this matter was a policy question and not a particular property.

Looking through the list of 57 uses, Mr. Webster understood this animal kennel use had an outside component and he did not believe animal kennels belonged anywhere else except in the B-3 zoning district where transitioning was taking place. He noted the B-2 district abutted up to residential uses. He did not concur with the Chairman's comment.

Regarding Mr. Matejczyk's earlier suggestion to consider adding the change to the B-2, B-3 and R-6 districts, the Chairman pointed out it could not be considered because public notice was not provided to those districts and the Commission could not act upon it. Mrs. Rabatah was comfortable allowing the use but was unsure whether she wanted to allow the use to be conducted in a wholly confined building, or include the use as a stand-alone without the additional language. She stated she would like to know what other municipalities were doing.

The Chairman emphasized additional restrictions could be placed on a Special Use and be tailored to the use, as stated by Mr. Matejczyk. Mr. Matejczyk again stated the restriction should be Village-wide and as general as possible which allows further restrictions and conditions later through special use review process.

As a last comment, Mr. O'Brien explained how a motion could be made and refined without going out of the scope of the petition. Any expansion of the Special Use into other zoning districts would have to come from the Village Council. Mr. Webster added he supported adding language that states, "Animal kennels conducted wholly within a completely enclosed building" to the proposed Special Use. Mr. Quirk then questioned that specific language. Mr. Matejczyk pointed out the refined restriction, as suggested by Mr. Webster, could be added to any future petition.

WITH RESPECT TO FILE PC- 07-09, REQUESTING A ZONING ORDINANCE TEXT AMENDMENT TO ADD "ANIMAL KENNELS" AS A SPECIAL USE IN THE B-2 GENERAL RETAIL BUSINESS DISTRICT, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL.

MR. COZZO SECONDED THE MOTION.

ROLL CALL:

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

NAY: MR. WEBSTER

MOTION CARRIED. VOTE: 7-1

Mr. Webster stated he voted nay because he believed the entire operation should be operated within the building, as stated earlier.

PC-08-09 A petition seeking a Special Use for an animal kennel for property located at the Northwest corner of Burlington & Wilcox Avenues, commonly known as 340 Burlington Avenue, Downers Grove (PIN's 09-09-109-013,-014,-015,-016,-017); Brian McLachlan, Petitioner; Oak Properties Ltd, Owner

Chairman Jirik swore in those individuals who would be speaking on PC-08-09.

Mr. Latinovic reported the petitioner is requesting a Special Use approval for an animal kennel/animal daycare for the property located at 340 Burlington Avenue. Currently, the property is improved with a vacant one-story, 14,861 square foot commercial building and two adjacent parking lots -- one east and one north of the building.

He explained, the property falls into three zoning districts with the building located on the southwest corner of the site the majority of which is in the B-3 General Services and Highway Business District. The eastern portion of the building and east parking lot are zoned B-2 District. The north parking lot (5th lot) is zoned R-6, Multiple Family Residence District. Mr. Latinovic noted that tonight's Special Use request was for the four (4) southern lots zoned commercial, and the north parking lot zoned residential was not part of the request and would remain as is.

Mr. Latinovic discussed that the current building on the site is located in two different zoning districts -- B-2 and B-3 -- with the more restrictive B-2 zoning district applying to the building. Because animal kennels are not allowed in the B-2 District, he stated the Village Council would have to approve the prior petition (PC-07-09) first before it can approve this petition.

Reviewing the site plan, staff explained the petitioner is proposing to install an eight-foot high fence (allowable in the district) which will be located 36 feet from the south property line and 51 feet from the east property line. The petitioner intends to make minor interior improvements to the building to accommodate the dog/daycare business. Re-stripping of the existing east and north parking lots is planned to maintain the same number of parking spaces. A new wooden six-foot solid fence will be installed along the north property line as well. Landscaped screening will be provided along the east property line to screen the parking lots from adjacent residential uses.

Mr. Latinovic stated the petitioner operates his current business at 605 Rogers, and he plans to relocate his business to the proposed location.

Regarding compliance with the Future Land Use Plan ("FLUP"), staff explained the southern four lots are designated for commercial use, and the proposed animal kennel is a commercial use. Staff believes the proposal complies with the FLUP as well as the Zoning Ordinance, subject to approval of PC-07-09.

Continuing, Mr. Latinovic reported several phone calls and e-mails were received from surrounding property owners regarding this petition. Many oppose the petition and have conveyed concerns that it would change the character of the neighborhood. One business owner next-door to the proposed property opposed the 8-foot fence. However, other commercial property owners supported the petition or had no comment. Staff has not received any written neighborhood comment regarding the petition at this time.

Mr. Latinovic stated staff believes the standards for a Special Use have been met, and an animal kennel/daycare is a desirable use in the community. It provides animal boarding and training and contributes to the general welfare of the community. The development will not be detrimental to the health, safety, and general welfare of the community, and to minimize impact to the neighborhood, the petitioner is installing the eight-foot high fence for the dogs, a six-foot solid fence along the north property line and landscaped screening for the parking lot. Lastly, the proposal meets all zoning requirements of the B-2 and B-3 zoning districts. Based on those findings, staff recommended that the Plan Commission make a positive recommendation to the Village Council, including the five conditions in the staff report.

Per Mr. Waechtler's question, Mr. Latinovic explained the petitioner was proposing an eight-foot fence adjacent to the east side of the building for the outdoor play area for dogs. As to the Future Land Use map differentiating the intensities of commercial uses, Mr. Latinovic explained the map only designates properties as residential, commercial, industrial use, etc., and the proposal was a commercial use based on the four southern parcels that are already zoned commercial. The R-6 lot would remain as a parking lot, which is its current use.

To date, the petitioner has not provided specific landscape screening details, but staff explained the petitioner had to meet Village requirements and the landscaping details would have to be supplied to the Village prior to a building permit being issued. Mr. Waechtler suggested in the future that a plan be provided to the Plan Commission and Village Council as part of staff's packet. As to parking requirements, Mr. Latinovic stated the existing parking for the existing commercial building on the site was non-conforming, but the use did not require as much parking as a typical commercial use and the petitioner is maintaining the current number of parking spaces. An explanation followed on how the parking for this use was calculated at 39 parking spaces. Mr. Cozzo questioned about the lighting for the outside area, which the petitioner has not specified.

Asked if the Zoning Ordinance addressed the outside exercise area, Mr. Latinovic stated it did not.

Regarding the details of the fence surrounding the outdoor area, Mr. Latinovic explained it would be an eight-foot, solid commercial grade fence, as discussed by the petitioner. Staff did not have specific details yet. Regarding the Village's noise ordinance, staff noted a sound level table is depicted in Section 28.2001, *Noise Regulations*, and staff would measure the levels in case of complaints. Mr. O'Brien clarified the Noise Regulations dealt with sustained noise levels and were meant to regulate heavy industrial uses. However, he explained regarding a proposal such as this, if noise occurred during business hours, Community Development would most likely send Code Enforcement to investigate, and fines could be issued. After hours, the Police would be contacted.

Ms. Colleen McLachlan, Petitioner, 605 Rogers Street, Downers Grove, distributed handouts for her presentation, which contained information about the doggie/daycare business. She and her husband reside in the Village and opened up Doggie Depot in 2006. Most of their business is doggie daycare and owners drop off their dogs in the morning and pick up their dogs at the end of the day. Overnight services and training are also offered. Fifteen employees are proposed to staff the business. Over 365 active clients come to their business. She believes the business's visibility is a positive to the community and currently she collaborates with other local businesses in Downers Grove, which is another plus to the community. She and her husband have spoken to residents in order to ease their minds about this proposal so that the residents understand the type of business coming into the area. One of the major concerns was noise. However, she explained many residents were more comfortable

knowing the operation would be housed mainly indoors, and no dogs would be outside unattended. She believes the improvements to the site will be a positive to the area.

Commissioner questions included confirmation of no outdoor kennels, when dogs are outside, they are out during the day, and they are supervised. As it currently operates, the first supervised outdoor time for the dogs is at 6:30 a.m. with the last supervised outdoor time at 8:30 p.m. The last employees leave at 9:00 p.m. Lighting was not a concern for the petitioner because there currently is lighting on the building. Barking is addressed through training, and excessive barking dogs are removed from the facility. The average number of dogs is just under 60 dogs per day with around 20 allowed outside at one time. Per Mr. McLachlan, the number of dogs will increase slightly to a maximum of 75 or 80 at the new facility. The retail space will also increase somewhat. Staff does not stay on the premises when dogs are staying overnight. However, the petitioners can view the facility from their home via cameras and monitors. Ms. McLachlan emphasized that the dogs are exhausted by day's end due to the high activity they engage in during the day. Screening of the dogs takes place, including proof of vaccines and temperament, and the dog must spend a day at day care prior to the business allowing a dog to stay overnight at the facility.

Questions followed on the procedures for removing dog excrement indoors and outdoors.

Mr. McLachlan stated sanitation was a priority; otherwise, his business would not be successful. The petitioner was asked to expand on the landscaping plans for the east side, wherein Mr. McLachlan explained he was going to be working with the Village forester to ensure compliance. No landscaping is being planned for the north side of the site, only the six-foot solid wood fence. Details of the solid screening followed. An eight-foot fence will be installed for noise reduction and to keep the dogs inside the outdoor play yard. Mr. Waechtler strongly recommended the petitioner install an eight-foot fence next to the residents. However, staff clarified a six-foot fence was the maximum allowed from one residentially zoned property to another residentially zoned property. Per a question, the adjacent tenant had reported no noise objections in the past two and one-half years in their current business nor had the surrounding neighbors reported any noise objections.

Mr. McLachlan explained the outdoor exercise area would be used intermittently throughout the day; however, from 11 a.m. to 2:00 p.m. there is no outside activity because the dogs nap. Staff is at the building from 6:00 a.m. to 9:00 p.m. The earliest time a dog will go to the outside exercise area is at 6:30 a.m. to accommodate the boarded dogs, and then at 8:50 p.m. for the last time before being boarded overnight. Weekend hours are from 8:00 a.m. to 5:00 p.m. Dogs "attended by staff" means two staff persons will always attend dogs whether inside or outside. Asked if the fence could absorb or reflect sound, Mr. McLachlan stated they have researched some fences but not in terms of sound deadening or reflective sound. Asked if the petitioner considered further sound mitigation for the interior of the building, Mr. McLachlan stated he has not and does not intend to because the building is brick and frame, as is his current building, and the noise does not escape. The petitioner noted there are no windows in the area where the kenneling will operate.

Discussing the petitioner's normal business practices and understanding that failure of any of them on the petitioner's part to perform could result in penalties or fines by the Village, etc, the Chairman asked Mr. McLachlan whether he was adverse to including the petitioner's business plan as a requirement for the Special Use. Mr. McLachlan stated he was not adverse to the suggestion at all. Per a question, Mr. McLachlan stated he expected the new building to have 20 to 30 dogs outside at one time. Asked if consideration for the outdoor area be created as a structured area, the petitioner stated it was considered briefly, but he was not considering it at this time. Fencing details were not determined yet.

Asked if the property owner was assisting with any improvements to the property, Mr. McLachlan stated he was not paying the \$800 in petition fees as required by the Village. Mr. McLachlan stated an allowance is being received for sprucing up the building. However, he clarified the transaction was a lease to purchase of the property, and he was willing to assume certain financial burdens. Mr. McLachlan briefly explained the initial opposition to his petition to rezone to a B-3 District back in February 2009 and why he changed the proposal to its current request.

(The Plan Commission took a five-minute break at 9:30 p.m. and then reconvened at 9:35 p.m.)

Chairman Jirik opened up the petition to public comment.

Mr. Ray Morrissy, 5015 Wilcox Avenue, resides directly across the street and questions the location of the use in a residential area, next to a train station. He did not support a dog kennel at the site, he noted that he thought the area would be best used for condominium development to compliment the Fairview Train Station. He questioned if the Department of Agriculture had a requirement for the maximum number of dogs. Other concerns included loose dogs, dog excrement, and the petitioner becoming the purchaser. He wanted the petitioner to return with landscaping plans. He asked Commissioners to vote against the petition.

Ms. Tina Krumbrick, 5442 Ashbrook, Downers Grove, takes her dog to Doggie Depot and speaks highly of the petitioners' current business and its spotless interior and exterior. She encouraged Commissioners and neighbors to visit the current site.

Mr. Benson Sennestrom, 4941 Wilcox Avenue, Downers Grove, voiced concern about the traffic pattern around the building, including the commuter traffic and their safety. He voiced concern about noise and that a dog kennel was not right for the site. He purchased his property for investment and thought the proposed use would have a negative impact on his property's value.

Mr. Gerry Hodina, 3004 Wilcox Avenue, Downers Grove, did not have an issue with the proposal in general, except for the business opening up very early. He asked that the starting time be moved back to 7:00 AM. He thought that a sound-deadening fence would help reduce potential noise impacts.

Ms. Sandra Fabian, 5019 Fairview Avenue, Downers Grove, owns a dog grooming business, and she also walks dogs, as do others in the area. She supported the petition. She tried to open her business in Westmont, but that Village had too many restrictions, so she moved to Downers Grove.

Mr. Ray Morrissy, 5015 Wilcox Avenue, Downers Grove, found it interesting that the above resident was not allowed to locate her business in Westmont. He asked the Commission to oppose the petition, since they would be long-term players, and asked to see other types of development. Asked what the train station had to do with the petition, Mr. Morrissy stated the train station is desirable from the Village's standpoint and from his perspective. He thought a more suitable location for the proposed use would be rural. He did not believe the petition would draw more visitors to the area. He owns a property with three rental tenants across the street and envisioned something grand at this location instead. Mr. Waechtler pointed out some of the other intensive proposals that could go in place of the petitioner's proposal.

The Chairman also pointed out findings of Fact and Standards of Approval at this time.

Hearing no more comments, Chairman Jirik closed public participation.

Regarding the question of the number of dogs the kennel would have, Mr. McLachlan envisioned 75 to 80 dogs in the new facility. As to dogs barking as late as 9:30 p.m., he stated the business would close at 9:00 p.m. He was open to the Village mandating that to some form. As to the Department of Agriculture regulating the kennel, he stated it does not mandate specific square footage per dog nor mandate the number of dogs. He stated it was a matter of business sense and keeping the premises clean. Mrs. McLachlan stated the Department of Agriculture does inspect facilities annually, and she and her husband follow trade standards. Ms. McLachlan summarized that she and her husband were residents of the Village and were willing to work with the Village to have a good relationship.

Mr. Matejczyk supported the business model, specifically after hearing the petitioner's willingness to work with the Village. Personally, he felt bringing a residential development to the site would take years, and in the mean time, the building would sit and deteriorate. He emphasized the owners were residents, they paid taxes, and the site would be improved and be occupied. Mr. Beggs shared comments about his own building on Fairview, the changing development landscape occurring over the years, and the minimal interest in the construction of new residential developments. He believed having a viable business in the location was a positive, and the owners resided very close to their establishment. He supported the proposal. Mr. Cozzo stated he was not initially in favor of the kennel proposal but after hearing the owners and their presentation, he believed the proposal was a positive, and it met the four standards. However, he did believe there was a concern about the 6:30 a.m. start time and suggested a start time of 7:00 a.m. Regarding the traffic pattern at the northeast corner, he believed that if the landscaping were adjusted, it would not be a visibility problem. Mr. Quirk supported the proposal and was not concerned about the start time.

Mrs. Rabatah supported the proposal and supported a start time of 7:00 a.m. She recommended the petitioner provide the Village Council with a list of its business practices and research sound barriers if needed in the future. She too, was not initially in favor of the petition but was convinced it was a sound and viable business. Mr. Webster opposed the proposal because he did not believe the site was the right location for the business due to the character of the neighborhood unless the entire operation would be completely enclosed. He believed it was a good business just the wrong location. He believed approving the proposal would set a precedent for the rest of the B-2 District. Mr. Waechter stated he was not a dog owner, but he supported the petition. He credited the petitioner for taking a risk to expand its business and to answer all of the Commissioners' questions. He concurred that the petitioner should investigate sound barriers.

Chairman Jirik confirmed with staff that a Special Use runs with the land, which was a concern. He conveyed that limits needed to be set for an animal kennel since there was nothing binding in the proposal. The petitioner's business plan was not practically enforceable. Additionally, should the petitioner sell the business to another individual, he pointed out that an individual does not have to appear before the Plan Commission because the Special Use, again, runs with the land. Mr. O'Brien clarified the conditions in the Special Use also run with the land; i.e., operational hours, supervising dogs outside, etc. and would require the new owners to follow suit. Reviewing the standards, Chairman Jirik pointed out that with Standards A and B -- Contributing to the Welfare of the Neighborhood -- it was necessary that proper protections be built into the Special Use permit so as not to diminish the general welfare of the neighborhood, especially since the Special Use runs with the land. He also preferred that the time the dogs run outdoors be limited to 7:00 a.m. to 9:00 p.m.

Monday through Friday, and 8:00 a.m. to 8:00 p.m. Saturday and Sunday. He strongly recommended that the sound barriers for the eight-foot fence be enhanced since a wooden wall was not a sound wall.

Mr. Webster believed the eight-foot fence would not diminish the sound and thinking so was unrealistic. He believed the other allowed Special Uses were more appropriate because they were self-contained uses. He pointed out that the petitioner could run his entire business on the interior of the building without appearing before the Plan Commission. However, he pointed out the petitioner cannot run his business the way he would like because it was the outdoor portion of the petition which needed the Special Use permit. Chairman Jirik responded by reiterating his above comments and recommended restrictions. The question was whether the Commission could add additional protections to promote the public good and promote a business.

WITH RESPECT TO PC-08-09, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION MAKE A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, ALONG WITH STAFF'S FOLLOWING FIVE (5) CONDITIONS, AS PRESENTED:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE ALTA/ACSM LAND TITLE SURVEY PLAN PREPARED BY SCHOMIG LAND SURVEYORS, LTD. DATED FEBRUARY 25, 1994 ATTACHED TO THIS REPORT EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PC-08-09 PETITION IS CONTINGENT ON THE APPROVAL OF THE PC-07-09 PETITION. THE PC-07-09 PETITION FOR THE ZONING ORDINANCE TEXT AMENDMENT TO ADD AN ANIMAL KENNEL TO THE LIST OF SPECIAL USES IN THE B-2 ZONING DISTRICT SHALL BE APPROVED BY THE VILLAGE COUNCIL PRIOR TO THE VILLAGE COUNCIL CONSIDERATION OF THE PETITION PC-08-09. IF THE PC-07-09 PETITION IS NOT APPROVED, THEN THE PC-08-09 PETITION BECOMES ANNULLED AND CANNOT BE CONSIDERED BY THE VILLAGE COUNCIL.**
- 3. ALL DOGS IN THE OUTDOOR AREA SHALL BE SUPERVISED AT ALL TIMES.**
- 4. ALL NEWLY PROPOSED PARKING LOT STALLS SHALL BE MINIMUM NINE FEET WIDE AND 18 FEET LONG.**
- 5. A SIX-FOOT HIGH SOLID FENCE SHALL BE INSTALLED ALONG THE NORTH SIDE OF THE EXISTING NORTH PARKING LOT, ALONG THE ENTIRE NORTH PROPERTY LINE, TO SCREEN THE COMMERCIAL USE FROM ADJACENT RESIDENTIAL PROPERTY TO THE NORTH.**

SECONDED BY MR. BEGGS.

ROLL CALL:

The Chairman asked if the Commissioners preferred to amend the motion to include placing limitations on the presence of dogs outdoors, especially since the Special Use runs with the land.

MRS. RABATAH AMENDED THE MOTION TO INCLUDE THE LIMITATION OF THE OUTSIDE ACTIVITIES OF THE DOGS, INCLUDING, BUT NOT LIMITED TO, THE USE OF THE OUTDOOR EXERCISE AREA, SHALL BE LIMITED TO THE HOURS OF

7:00 A.M. TO 9:00 P.M. MONDAY THROUGH FRIDAY, AND, 8:00 A.M. TO 9:00 P.M. SATURDAY AND SUNDAY.

MR. MATEJCZYK SECONDED THE AMENDMENT.

ROLL CALL:

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

NAY: MR. WEBSTER

MOTION CARRIED ON THE AMENDMENT. VOTE: 7-1

Chairman Jirik stated his next concern was the sound deadening properties for the eight-foot wall being proposed, and that the petitioner investigates same to mitigate the source of noise. Mr. O'Brien recommended if the Plan Commission wanted the petitioner to investigate sound-deadening devices on the fence, that they require sound deadening devices be installed on the fence. He further believed it would be in the petitioners' best interest to determine the devices prior to going before the Village Council.

MRS. RABATAH AMENDED THE MOTION TO ALSO INCLUDE THAT THE PETITIONER SHALL PROVIDE EFFECTIVE SOUND DEADENING TECHNIQUES, EITHER INSTALLED ON OR DESIGNED WITHIN, THE EIGHT-FOOT FENCE.

MR. BEGGS SECONDED THE AMENDMENT.

ROLL CALL:

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

NAY: MR. WEBSTER

MOTION CARRIED ON THE AMENDMENT. VOTE: 7-1

THE ROLL WAS CALLED ON THE ORIGINAL MOTION TO RECOMMEND APPROVAL TO THE VILLAGE COUNCIL AND ALL THE CONDITIONS AND AMENDMENTS AS FOLLOWS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE ALTA/ACSM LAND TITLE SURVEY PLAN PREPARED BY SCHOMIG LAND SURVEYORS, LTD. DATED FEBRUARY 25, 1994 ATTACHED TO THIS REPORT EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PC-08-09 PETITION IS CONTINGENT ON THE APPROVAL OF THE PC-07-09 PETITION. THE PC-07-09 PETITION FOR THE ZONING ORDINANCE TEXT AMENDMENT TO ADD AN ANIMAL KENNEL TO THE LIST OF SPECIAL USES**

IN THE B-2 ZONING DISTRICT SHALL BE APPROVED BY THE VILLAGE COUNCIL PRIOR TO THE VILLAGE COUNCIL CONSIDERATION OF THE PETITION PC-08-09. IF THE PC-07-09 PETITION IS NOT APPROVED, THEN THE PC-08-09 PETITION BECOMES ANNULLED AND CANNOT BE CONSIDERED BY THE VILLAGE COUNCIL.

- 3. ALL DOGS IN THE OUTDOOR AREA SHALL BE SUPERVISED AT ALL TIMES.**
- 4. ALL NEWLY PROPOSED PARKING LOT STALLS SHALL BE MINIMUM NINE FEET WIDE AND 18 FEET LONG.**
- 5. A SIX-FOOT HIGH SOLID FENCE SHALL BE INSTALLED ALONG THE NORTH SIDE OF THE EXISTING NORTH PARKING LOT, ALONG THE ENTIRE NORTH PROPERTY LINE, TO SCREEN THE COMMERCIAL USE FROM ADJACENT RESIDENTIAL PROPERTY TO THE NORTH.**
- 6. THE OUTSIDE ACTIVITIES OF THE ANIMALS, INCLUDING, BUT NOT LIMITED TO, THE USE OF THE OUTDOOR EXERCISE AREA, SHALL BE LIMITED TO THE HOURS OF 7:00 A.M. TO 9:00 P.M. MONDAY THROUGH FRIDAY, AND, 8:00 A.M. TO 9:00 P.M. SATURDAY AND SUNDAY.**
- 7. THE PETITIONER SHALL PROVIDE EFFECTIVE SOUND DEADENING TECHNIQUES, EITHER INSTALLED ON OR DESIGNED WITHIN, THE EIGHT-FOOT FENCE.**

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

NAY: MR. WEBSTER

MOTION CARRIED. VOTE: 7-1

Mr. Webster explained that he thought the outdoor use was inappropriate at the location, but that the use could fit in the neighborhood if it was conducted within the building.

Chairman Jirik explained to the public that the motion and information presented would move forward to a Village Council workshop on or about May 12, 2009.

PC-09-09 A petition seeking a Special Use for a Montessori Preschool in the Downtown Business (DB) Zoning District for property located on the East side of Forest Avenue, approximately 320 feet South of Franklin Street, commonly known as 4925 Forest Avenue, Downers Grove (PIN 09-08-116-007); Jean Gottlieb, Maple Tree Academy, Petitioner; Graham Mosey, Owner

(Due to a conflict, Mr. Beggs recused himself from the discussion.)

Chairman Jirik swore in those individuals who would be speaking on behalf of PC-09-09.

Mr. Popovich stated the petitioner is requesting a Special Use for a Montessori preschool at 4925 Forest Avenue (7,013 sq. feet in size) in the DB, Downtown Business district. A private school is an allowable Special Use in the DB district. Currently, the building is being used as offices. Photographs were shown on the overhead screen. Mr. Popovich explained the petitioner is proposing to maintain the existing building and will have to create handicap access to the building either through construction of a ramp or a lift. Minor interior renovations to comply with Building

Accessibility and Fire Prevention Codes are proposed. An existing paved area will be fenced to become a playground to the south and east of the existing building. The rear parking lot will be striped.

Staff believes the proposal is consistent with the Future Land Use Plan and is consistent with the surrounding residential and service uses and will not impact the land use characteristics of the property or neighborhood. Additionally, staff believes the existing building complies with the DB bulk regulations of the Zoning Ordinance, and the DB Zoning District does not require any parking for this type of use in the Downtown District.

Mr. Popovich walked through the proposed vehicular circulation traffic pattern, noting vehicles will travel west to east through the site along the north side of the building. The plan is for visitors and parents dropping off their children to enter from Forest Avenue, stop at the northeast corner of the building for approximately 30-40 seconds to drop off their child and then exit the site via the alley, with all vehicles exiting to the north. Staff supported this recommendation. A description of how the vehicles dropping off children would proceed through the site followed.

Staff is recommending a signage plan directing traffic on-site and exiting. The site is located within a 100-year floodplain, and staff recommends that a gap between the bottom of the fence and the pavement be provided to allow water to flow through the site. Per the Fire Prevention Division of the Fire Department, the building will need to meet all Fire and Building Codes. One property owner to the north contacted staff regarding this petition and had no concerns.

Staff believes the standards for a Special Use have been met, and the proposed preschool is a desirable use to the community and will not be detrimental to the health, safety, morals, general welfare or property values. The proposal complies with the regulations of the DB zoning district and is an allowable Special Use in the Zoning Ordinance.

Staff recommended the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the five conditions in its report.

Questions followed on who ensures proper regulation of ventilation and asbestos remediation, wherein Mr. Popovich stated it asbestos remediation would be the State of Illinois or through the Village's general building codes. Mr. O'Brien clarified the Department of Children and Family Services will be regulating any special building considerations. Mr. Webster asked what triggered stormwater management practices; i.e., disturbing certain areas. A question followed on the revised Exhibit "A" depicting the fenced play area.

Petitioners, Jean Gottlieb, 1603 Janet Street, Downers Grove, and Nicole Kibilowski, 1016 Blanchard Avenue, Downers Grove were present. Ms. Gottlieb stated the pre-school is for children from ages 18 months to six years, and she believes the school is a positive addition to the downtown area. Approximately 60 students will be attending and will be broken into three different age categories. Because the school is not a daycare facility, but a teaching facility, DCFS has been invited into the school to inspect it and to let the petitioner know how the school can better serve the community. The school is not regulated by any specific body, but the State is invited in to inspect the facilities. All staff is background checked as well. Per a question, the ratio of teachers to students will be 1:10 and Ms. Gottlieb expects a maximum of seven teachers in the facility or a

minimum of two teachers. She was not sure what ratio DCFS required for private schools. The State requires a ratio of 1:30.

Ms. Gottlieb was not sure about required ventilation for the school. The playground area will include a fill material for the children to prevent injury. Mr. Webster cautioned her to not improve it too much in order to avoid triggering stormwater management regulations due to the site being in a flood plain.

Mr. Waechtler voiced concern that traffic traveling south on Forest can back up to this site when the train gates are down. He expressed concern that people may cut through this property or adjacent properties. He stated communication to the parents would prove beneficial with regard to traffic flow.

Chairman Jirik opened up the meeting to public comment.

Ms. Audrey Elisha, 4533 Bryan, Downers Grove, was excited to see a Montessori school coming to the Village, and stated her belief that parents needed other school choices in Downers Grove.

Michelle Jackson, 4020 Grove Avenue, Western Springs, is looking forward to the petitioner's school.

Hearing no further comments, public comment was declared closed by the Chairman.

There were no further comments/questions by the Commissioners nor were there any further comments or closing statement from the petitioner.

Mr. Matejczyk voiced concern about lead and asbestos in the building since there were no regulations. As to an occupancy number, staff confirmed the Village Fire Marshal will issue an occupancy permit.

Ms. Gottlieb stated she did have the building inspected by an inspection agency before she obtained a license. A radon test was also done.

Mr. O'Brien stated a prior inspection took place at the building, which included the Village Fire Marshal and the Village building inspector, who also noted the number of bathrooms, occupancy, room sizes, egress, which will determine the facilities within the building. As to the asbestos, he stated the building was remodeled in 1999 for offices, and the interior was much different than a single-family home.

Mrs. Rabatah asked that staff update Exhibit "A" prior to the petition going to the Village Council.

MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THIS PETITION, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO EXHIBIT A EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**

2. **THE EXISTING BUILDING SHALL HAVE A MANUAL AND AUTOMATIC FIRE DETECTION SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
3. **THE EXISTING BUILDING SHALL HAVE A COMPLETE AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT IN A MANNER ACCEPTABLE TO THE VILLAGE. ALL AREAS OF THE BUILDING SHALL BE PROTECTED.**
4. **A SIGNAGE AND TRAFFIC CALMING PLAN SHALL BE DEVELOPED THAT IDENTIFIES DIRECTIONAL SIGNAGE THROUGHOUT THE SITE AND PROPOSES TRAFFIC CALMING DEVICES ALONG THE NORTH SIDE OF THE BUILDING. THE PLAN SHALL SUBSTANTIAL CONFORM TO EXHIBIT A, ATTACHED HERETO.**
5. **A 'NO RIGHT TURN' SIGN SHALL BE INSTALLED AT THE ALLEY ACCESS POINT.**

MR. MATEJCZYK SECONDED THE MOTION.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Mr. O'Brien announced the next meeting would be May 4, 2009. He stated the Board and Commissions workshop discussing the budget would be held at Midwestern University on May 2, 2009, starting at 8:30 am. to 12:00 noon. He stated there would be an opportunity for the Commission to provide input into the Total Community Development #3 project. Mr. O'Brien explained neighborhood workshops for TCD 3 will be held April 16 and April 20 at 7:00 PM. He told the Commission more information on these workshops could be found on the Village's website. Chairman Jirik asked if staff could confirm with the Commissioners if they have the latest copy of the Future Land Use Map and current Zoning Ordinances. Mr. O'Brien said he would provide updated materials at the May meeting.

MRS. RABATAH MOVED TO ADJOURN THE MEETING. MR. QUIRK SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 11:40 P.M.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
MAY 4, 2009, 7:00 P.M.

Chairman Jirik called the May 4, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

ABSENT: Mrs. Hamernik, Mrs. Rabatah, Mr. Webster

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager, Mr. Damir Latinovic, Village Planner

VISITORS: Mr. John Ryan, 4940 Oakwood Ave., Downers Grove; Mr. James W. Sire, 4941 Montgomery Ave., Downers Grove; Sheryl Van Anne, 4822 Washington Street, Downers Grove; Carol Shepack 4231 Indianapolis, Downer Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

APRIL 6, 2009 MEETING MINUTES - MR. WAECHTLER MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. MATEJCZYK. MOTION CARRIED BY VOICE VOTE OF 6-0.

The meeting's protocol followed.

PC-10-09 A petition seeking a Special Use approval for a telecommunications tower located on the East side of Springside Avenue, approximately 730 feet South of 63rd Street, commonly known as 6401 Springside Avenue, Downers Grove, IL (PIN's 09-19-101-002, 09-19-200-003); Mark Layne, Agent for T-Mobile Central LLC, Petitioner, Community High School District 99, Owner

The Chairman noted that the Commission received a request to continue the petition to the July 6, 2009 Plan Commission meeting. Mr. O'Brien explained the petitioner requested the continuance in order for T-Mobile's attorneys to review the petition. Commissioners asked that staff convey to the petitioner that there is significant frustration with the continued requests for continuances for this request. The Commissioners noted similar circumstances during a previous, similar request by the applicant in the summer of 2008. The Commissioners indicated they spent a lot of time reviewing the petition materials. Staff agreed. Dialog followed on what would warrant a re-publication of the petition. Mr. Matejczyk asked if staff could highlight any new information for the petition. Staff would provide a summary memo in the future if changes to the petition and proposal were to occur.

MR. BEGGS MADE A MOTION TO CONTINUE PETITION PC-10-09 TO A DATE CERTAIN, THAT DATE BEING JULY 6, 2009. SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

PC-11-09 A petition seeking Final Plat of Subdivision approval to consolidate two existing lots into one lot on the west side of Washington Street, approximately 205 feet North of Franklin Street, commonly known as 4822 Washington Street, Downers Grove, IL (PIN's 09-08-112-018,-019); Sheryl Van Anne, Petitioner; Daniel & Sheryl Van Anne, Owners

Chairman Jirik swore in those individuals who would be speaking on behalf of File PC-11-09.

Mr. Latinovic summarized that the subject property is zoned R-4, Single-Family Residence, and the property currently has a home and detached garage on it. The property consists of two lots of record with the south lot being 40 ft. wide by 136 ft. in length with a single-family residence. The northern 20-foot by 136-foot lot contains the majority of the detached garage, which is on the common property line. The owners would like to consolidate the two lots into one lot, 60 feet wide by 136 feet in length, in order to construct an addition in the future to the north side of the home. The Future Land Use Plan and Map lists the property as residential and by consolidating the lots, it will allow for the construction of the addition, which will protect the property as residential use in the future.

The current side yard setback minimum is five feet and once the lots are consolidated, a minimum of six feet for the side yard setback will be required. The garage will remain as is. The proposed consolidation will meet all requirements of the Subdivision Ordinance. The petitioner will also provide five-foot utility easements along side and rear property lines. To date, no comments have been received from the neighbors. Staff finds that the petition meets the Zoning and Subdivision Ordinance, the Future Land Use Plan, and other Village planning documents and supports the petition.

Questions followed regarding the neighbor's lot to the north and its size being similar to the lot being proposed as well as access to the garage once the house is expanded. Staff responded that the proposed addition would meet all of the requirements of the zoning ordinance, one of which was to preserve a 10-foot wide asphalt driveway to the garage. Mr. Latinovic pointed out the petitioner had more than enough width to accommodate the driveway.

Mr. Waechtler inquired about the required width for the driveway, which currently sits on the north side of the house where the future addition will be constructed. Staff explained that the existing driveway is wider than a typical driveway. The Village requires private driveways to garage must

be minimum ten feet wide. The petitioner will have to meet this requirement when they propose an addition to the house.

Mr. Cozzo inquired how a 20-foot wide lot existed initially, wherein Mr. Latinovic explained it was not a right-of-way and he could not offer an explanation for the 20-ft. wide lot.

Petitioner, Ms. Sheryl Van Anne, 4822 Washington Street, Downers Grove, thanked staff for their assistance on this matter. She explained plans for the expansion were not yet completed, but she understood the requirements of the Village in terms of the driveway, which she intended to follow. As to the two lots, they were purchased that way, and she intends to keep the existing garage with the ten-foot driveway.

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

The petitioner had no closing comment.

WITH RESPECT TO PC-11-09, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION FOR THE FINAL PLAT OF SUBDIVISION TO THE VILLAGE COUNCIL INCLUDING THE RECOMMENDATION IN THE STAFF REPORT:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE VAN ANNE RE-SUBDIVISION PLAT PREPARED BY JOSEPH M. DECRAENE DATED APRIL 16, 2009 EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

PC-12-09 A petition seeking Final Plat of Subdivision approval to consolidate two existing lots into one lot on the East side of Montgomery Avenue, approximately 200 feet North of Warren Avenue, commonly known as 4929 Montgomery Avenue, Downers Grove, IL (PIN 09-07-210-019); Carol Shepack, Petitioner; Carol Shepack, Walter P. Sigerich, Owners

Chairman Jirik swore in those individuals who would be speaking on behalf of File PC-12-09.

Mr. Latinovic discussed the subject property is zoned R-4, Single-Family Residence and is located on the east side of Montgomery Avenue just north of the intersection of Montgomery and Warren Avenues. The 15,260 sq. foot property consists of two identical 50-ft wide lots by 152 feet deep.

The property includes a single-family residence across both lots, while the detached garage is located on the north lot. The petitioner is requesting to consolidate both lots in order to demolish the existing single-family structure and construct a new structure, which would stretch across both lots.

Staff discovered the proposed home extended over both lots when the petitioner submitted plans for a building permit. The petitioner is waiting for Village Council approval before proceeding forward with the permit.

According to the Future Land Use Plan, Mr. Latinovic stated the property is designated for residential use, and the proposed lot consolidation is consistent with preserving the site for the residential use. The side yard setback will change to 10 feet (10% of the 100-foot wide new lot), and the proposed structure will meet all zoning requirements. The proposed lot consolidation will also meet the Village's Subdivision Ordinance. A five-foot wide utility easement is being proposed along the north and south side property lines, with a 10-foot easement along the rear property line, which will meet the Subdivision Ordinance requirements.

Per staff, several calls have been received on this petition, mostly general inquiries about the size of the proposed home, drainage and demolition practices. Staff did explain to the neighbors that tonight's petition was strictly to consolidate the lots, and the petitioner will have to comply with all Village stormwater requirements and other building codes in order to receive the permit.

Staff finds the petition consistent with the Future Land Use Plan, the Zoning Ordinance and the Subdivision Ordinance. Staff recommends a favorable recommendation to the Village Council.

Discussion followed by the Commissioners and staff that the home was grandfathered in since it extended both lots and was built in the 1900s as a Sears home. Clarification followed on lots that are zoned R-3 (larger lots; i.e., 75 feet x 140 feet) west of the subject property. Asked if there were prior discussions on the preservation of Sears homes, Mr. O'Brien stated there was no formal protection by the Village, and it is up to the property owner to preserve such a home. Mr. Matejczyk recalled the Village had no jurisdiction over historic homes; staff agreed, noting the Village wants the property owner to drive the preservation of their home.

Mr. Quirk confirmed with staff that the existing structure was a legal non-conforming structure and not a legal conforming lot. Mr. Latinovic confirmed that if the petition were approved, it would become a legal conforming structure. Chairman Jirik understood with the two existing lots, one could construct two structures meeting the Village's requirements. However, by combining the lots into one lot, he queried staff on the buildable lot area. Wherein Mr. Latinovic explained that one could build up to 32% of the buildable lot area on every lot, which would essentially be the same for the two separate lots and one consolidated lot. As to the setbacks, he said the two smaller lots would have five-foot setbacks, while the consolidated lot would have 10-foot setbacks. Overall, from a stormwater perspective, changing from two lots to one lot, the drainage should be improved due to more space within 10-foot setbacks. He explained the petitioner could potentially pave the entire lot as long as the drainage is properly designed, but the Village allows up to 1000 sq. feet for all total detached structures. Therefore, if the two lots existed, the 1000 sq. feet of detached structures could be done twice, while with only one lot, only 1000 sq. feet would be allowed.

Carol Shepack 4231 Indianapolis, Downer Grove, Petitioner owns the lot at 4929 Montgomery and

clarified the home was listed in the MLC as a Hudson Catalog Home and not a Sears Home. She stated she purchased the property with the intention of building their home but when plans were submitted to staff, it was learned that two lots existed and had to be consolidated in order to construct the new home.

Mr. Waechtler preferred seeing the Village having one large lot versus two smaller 50-foot lots and believed the petition was an asset to the neighborhood.

Chairman Jirik opened up the meeting to public comment.

Mr. James W. Sire, 4941 Montgomery Ave., Downers Grove, stated he and his neighbor were concerned about water in their backyards as they had ditched their rear yards to address the water flow. With the new home, he wanted the Village ensure that the water flow would be addressed. He also voiced concern that the size of the home not overpowers the neighbors' homes.

Mr. John Ryan, 4940 Oakwood Ave., Downers Grove, voiced concern about the path of the stormwater drainage through the rear yards in the area, given the size of the new home. He would appreciate a storm sewer on the new property to drain toward Montgomery.

In response, staff stated the local poor drainage areas were more towards Warren Avenue and Oakwood and not around the surrounding area of the proposed lot. Because the lot is a residential lot and less than 3 acres, the stormwater ordinance does not require a detention facility. Village engineers recommended to the petitioner's design engineer to install a small drainage pipe in the southeast corner and forward the water from that low spot towards Montgomery. Staff was working with the design engineers to mitigate the issues and not make any stormwater matters worse, as required by the Stormwater Ordinance. Permits would not be issued until Village engineers were satisfied that the ordinance was being met. Mr. Latinovic noted that the natural flow of the water on the property was to the southeast corner of the site.

Mr. Beggs raised the fact that he wanted to avoid creating an expense for the property owner when they did not have an obligation.

Mr. John Ryan, 4940 Oakwood Avenue understood the matter could not become worse and that if it did, steps would have to be taken to rectify it. Mr. O'Brien reassured him that staff was working with the design engineers and offered several suggestions to them, including: installing the small storm sewer in the rear yard to carry away water to Montgomery; pipe the sump pump directly into the storm sewer versus the backyard; and to have front elevation downspouts directed to Montgomery and head west. If the water does become worse, Mr. O'Brien explained a direct cause is looked at; i.e., sump pump discharge and downspout discharge. Additionally, during the construction phase, he stated staff would review a final topographic survey from the builder, followed by an inspection. If the property is not graded or draining properly, the Village retains a cash bond to ensure the work is completed correctly.

Hearing no further public comment, the Chairman closed public comment.

Mr. Waechtler asked Mr. Sire about the sizes of homes in the immediate area on which Mr. Sire explained the size of his home and surrounding properties.

The petitioner had no closing comments.

As a suggestion, Mr. Waechtler asked staff to speak with the engineers about newly constructed homes and having their sump pumps drain directly into a storm sewer, thereby alleviating the property owner and their neighbors. It was also noted by chairman Jirik there was the issue of storm sewers having back pressure and not being able to handle the drainage from sump pumps.

WITH RESPECT TO FILE PC-12-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO STAFF'S RECOMMENDATIONS ON PAGE 3 OF ITS REPORT:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE SIGERICH RE-SUBDIVISION PLAT PREPARED BY LANDMARK CONSULTING, PC. DATED APRIL 7, 2009 EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. A TEN-FOOT WIDE UTILITY EASEMENT SHALL BE PROVIDED ALONG THE REAR PROPERTY LINE.**

SECONDED BY MR. QUIRK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 6-0

Per staff, June 1, 2009 is the next scheduled meeting. Mr. Waechtler thanked Public Works for posting signs on properties where petitions are being heard before the Plan Commission. He also asked staff to depict on future diagrams the widths of surrounding lots. It was noted, an updated zoning map was also made available to the Commissioners.

MR. COZZO MOVED TO ADJOURN THE MEETING. MR. WAECHTLER SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 8:10 P.M.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
JUNE 1, 2009, 7:00 P.M.

Chairman Pro Tem Waechtler called the June 1, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Pro Tem Waechtler, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Webster, Mrs. Hamernick

ABSENT: Chairman Jirik

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager

VISITORS: Bruce Beckman, 4629 Middaugh Ave., Downers Grove; Rich Heim, Good Samaritan Hospital, 3815 Highland Ave., Downers Grove; Leslie Barrow, 726 39th St., Downers Grove; Lisa Kerr, 3673 Quince Ct., Downers Grove; Abe Ghanayem, 4525 & 4530 Cornell Ave., Downers Grove; Bill Younker, 4612 Stonewall Ave., Downers Grove; Patrick Crotty, 3696 Quince Ct., Downers Grove; Randy Pearson, 3684 Quince Ct., Downers Grove; Marge Earl, 4720 Florence Ave., Downers Grove

Chairman Pro Tem Waechtler led the Plan Commissioners in the recital of the Pledge of Allegiance. (Mrs. Hamernick arrives.)

MAY 4, 2009 MEETING MINUTES - MR. COZZO MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. WEBSTER. MOTION CARRIED BY VOICE VOTE OF 7-0.

An explanation of the meeting's protocol followed.

Chairman Pro Tem Waechtler swore in those individuals who would be speaking on PC-13-09.

PC-13-09 A petition seeking a right of way vacation of a 20-foot wide by 178-foot long dedicated right-of-way located on the East side of Stonewall Avenue adjacent to the properties commonly known as 4601 & 4605 Stonewall Avenue, Downers Grove, IL (PIN's 09-06-309-010,-011); Lawrence & Elizabeth Stoma, Petitioners; Village of Downers Grove, Owner

Mr. Waechtler announced the above petition would not be heard as the petitioner has withdrawn the request.

PC-14-09 A petition seeking approval of an amendment to P.D. #19 Advocate Good Samaritan Hospital with a variation for temporary signs. Campus is located generally Northeast of the intersection of Highland Avenue and 39th Street, commonly known as 3815 Highland Avenue, Downers Grove, IL (PIN's 06-32-306-025,-026,-027, 06-32-107-002, 06-32-306-030,-031, 06-32-306-003, 06-32-306-008,-009, 06-32-306-020, 06-32-306-022, 06-32-306-014); Advocate Health & Hospitals Corporation, d/b/a Advocate Good Samaritan Hospital, Petitioner/Owner

Mr. Jeff O'Brien, Planning Manager, stated the correct petition file number for this petition was PC-14-09, and it is an amendment to a previous Planned Development for Good Samaritan Hospital (the "Hospital"). The hospital is located at the northeast corner of Highland Avenue and 39th Street. It sits on approximately 75 acres and has approximately 940,453 square feet. The petitioner is requesting approval of banner signs that would periodically permit 50-foot by 24 foot banners on Tower 1 (west side) celebrating the distinction of being honored as one of the nation's 100 top hospitals. The petitioner is requesting the larger banners to promote the hospital's accomplishments. Staff is recommending that Good Samaritan have up to 180 days for these banners, per year, and to notify the community development director 10 days prior to its installation. No lighting of the banner would be permitted after 10:00 p.m. Mr. O'Brien displayed photos of the proposed banner on the overhead screen.

No engineering changes or public safety changes are being requested at this time. However, two phone calls were received from citizens; however, they did not have objections to the petition. The DuPage County Forest Preserve District provided a written letter indicating they had no comments regarding the petition.

Staff believes the proposed temporary sign plan is appropriate for the hospital due to the hospital having significant frontage on Highland Avenue, larger setbacks and scale of the campus in general, which lends itself to larger signs and banners. The sign will be located on a west wall, will be set back approximately 236 feet from the west property line along Highland Avenue, and will cover about 45% of the wall. Per Mr. O'Brien, the closest residential property affected is approximately 530 feet to the west of the hospital wall. Staff is recommending that lighting of the banner not take place after 10:00 p.m.

Due to the hospital campus' physical characteristics and location, a unique development would warrant some additional signage for their awards. Furthermore, staff believes the petition meets the standards of Section 28.1607 "Standards for Approval of Planned Development and Planned Development Amendments" and recommends approval of the petition with the conditions stated on page 5 of staff's report. Mr. O'Brien did a quick review of those conditions.

Per Mr. O'Brien, the proposed amendment to Planned Development #19 with a variation for a temporary sign is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends that the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the following conditions:

1. Temporary banner signs for 3815 Highland Avenue shall conform to the following standards:
 - a. Only one (1) temporary banner sign shall be permitted at any given time.
 - b. Temporary banner signs may contain up to 1,200 square feet of surface area.
 - c. Temporary banner signs shall be affixed to the west wall of Tower 1.
 - d. Temporary banners shall not be illuminated after 10:00 p.m.
 - e. The total number of days for display of the temporary banner signs shall be limited to 180 days per calendar year.
 - f. Good Samaritan Hospital shall notify the Director of Community

- Development at least ten (10) days prior to installing a banner.
- g. Temporary banner signs shall be removed no later than twenty-four (24) hours after the conclusion of the display period.
2. All other signs shall comply with the provisions of the Zoning Ordinance.

Per Mr. Matejczyk's question about a similar petition, Mr. O'Brien explained the Carlucci's Restaurant in the Esplanade development requested similar banner signage but reminded the Commissioners it was a matter of access to the property. As to the 180-day limit, Mr. O'Brien said staff simply mirrored the standards for temporary uses. Per a question, the 180 days could be interrupted. No restrictions are recommended for the banner content provided commercial messages were limited to hospital-related advertisements. Monitoring would take place by the Community Development Department.

Continuing, Mr. O'Brien explained the banner sign would be affixed with permanent brackets mounted on the building wall and intermittent banners would be permitted throughout the year. In this petition, Mr. O'Brien explained that monument signs, although they allow changeable copy, were limited to four lines of copy. The Hospital believed it could seek extra promotion for their recognition received. Per staff, it was a form of advertising. Mr. Beggs questioned whether other larger banners could be requested in the downtown area and on South Main Street, wherein Mr. O'Brien explained such a request would not be appropriate downtown due to the scale of those developments, the size of their setbacks, and the buildings' proximity to residential properties.

Mr. Matejczyk reminded the Commissioners that the petitioner's request was asking for a banner in proportion to the size of the development. Mr. Quirk inquired what would limit the hospital to displaying additional national or regional accolades or other content, wherein Mr. O'Brien stated such language was not listed in staff's conditions and regulating content could become an issue. He suggested that the Commissioners could add language to the conditions. Per another question, lighting was not being proposed but should the petitioner want lighting, an electrical permit would have to be sought with administrative review. Again, Mr. O'Brien stated the lighting standards in the Zoning Ordinance would have to be met, but also if lighting were installed, it would have to end at 10:00 p.m.

Petitioner, Mr. Rich Heim, Vice President for Business Development at Good Samaritan Hospital, stated the banner signs were not going to be illuminated, and the banners were more of a sharing of recognition with the community. In March 2009, he stated the hospital was informed it was one of the top 100 hospitals in the country out of 3,000 hospitals to receive the recognition. Details followed on how the hospital was taking steps to improve itself and its relationship with its patients. Regarding the blank space left on the banner, Mr. Heim explained it was left there for the ease of reading as one drives past it. He also said the hospital is required to use the trademark logo of Thompson Reuters.

Mr. Heim stated the hospital was not planning to use the banners for future advertising. The intent was to recognize the hospital's state and national awards. As to affixing the banner to the wall, rings will be affixed to the wall, and they will not be seen when the banner is removed. Mr. Heim stated he was comfortable if the Commission chose to use language on the banners restricting the verbiage to awards only. Due to the significant costs involved in attaching the banner, he explained it will be attached and remain up as long as possible. He expects this banner to be up the entire 180-day duration.

As to distinguishing this banner from a facility, such as the Coventry Health Care, Mr. Heim envisioned that nothing would preclude them from seeking a similar request. As to other means used to publicize such awards for the hospital, Mr. Heim explained a lot of work was being done internally. However, externally, the hospital has had full-page advertisements in the local and regional newspapers. Additionally, Heritage Fest would have two staffed booths publicizing the hospital's recognition. Mr. Heim explained that the banner itself is constructed out of a stretched fabric (vinyl) material and will be installed professionally on the west wall of the tower.

Chairman Pro Tem Waechtler opened up the meeting to public comment. No public comment received. Public Comment was closed.

Mr. Heim closed by thanking the Commission for considering the petition, noting the employees at the hospital were very proud of receiving the distinction.

Asked if the Village had ever installed any banner signage on the water towers, Mr. O'Brien, to his knowledge, did not recall such signage. Mr. Matejczyk discussed that no complaints or any objections were received to deny this petition.

Mrs. Rabatah asked whether the Commissioners would object to the temporary banner signage being used just to highlight the regional, national, and international recognition awards. Mr. Waechtler suggested removing Condition d. in staff's report since it appeared redundant and replacing it with Mrs. Rabatah's suggestion. However, Mr. Matejczyk voiced concern in that the Village was entering into "gray areas", and it was not the Village's place to regulate what the banner can and cannot say. It was noted that the PUD ordinance was also restricting any future petitioners from renting out the space.

Mr. Cozzo favored the additional language restricting the words to highlight regional, national, and international recognition awards and removing Condition "d" since it was redundant. He reminded the Commissioners that the petitioner stated that no lighting would occur. Mrs. Hamernick did not have issues with the restrictive language either but believed the hospital could handle its own signage properly. Mr. Beggs discussed the overall benefits the hospital has brought to the community, but he could not justify the differentiation between having banners up and down Main Street. He voiced concern about the appearance of Main Street and that the Village should work to protect the aesthetics and appearance of the corridor throughout the community.

Mr. O'Brien stated every business, except Carlucci's, is allowed a 32 sq. foot banner, and every Planned Development is recognized as a unique piece of property. Mr. Cozzo added it was the Commission's responsibility to measure the petition against the standards for approval, specifically Section 28.1607, *Standards of Approval*, and he did not see any standard being violated by the request. Mrs. Hamernick did not have any issues with this request. Commissioners decided to keep the 10:00 p.m. illumination restriction in staff's condition. Mr. Beggs confirmed with Mr. Webster that he was concerned about precedent setting.

WITH RESPECT TO PC-14-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION WITH THE FOLLOWING CONDITIONS (INCLUDING ITEM "D" AND "DAYS" IN ITEM "E" AFTER THE WORD "180"):

1. **TEMPORARY BANNER SIGNS FOR 3815 HIGHLAND AVENUE SHALL CONFORM TO THE FOLLOWING STANDARDS:**
 - A. **ONLY ONE (1) TEMPORARY BANNER SIGN SHALL BE PERMITTED AT ANY GIVEN TIME.**
 - B. **TEMPORARY BANNER SIGNS MAY CONTAIN UP TO 1,200 SQUARE FEET OF SURFACE AREA.**
 - C. **TEMPORARY BANNER SIGNS SHALL BE AFFIXED TO THE WEST WALL OF TOWER 1.**
 - D. **TEMPORARY BANNERS SHALL NOT BE ILLUMINATED AFTER 10 P.M.**
 - E. **THE TOTAL NUMBER OF DAYS FOR DISPLAY OF THE TEMPORARY BANNER SIGNS SHALL BE LIMITED TO 180 DAYS PER CALENDAR YEAR.**
 - F. **GOOD SAMARITAN HOSPITAL SHALL NOTIFY THE DIRECTOR OF COMMUNITY AT LEAST TEN (10) DAYS PRIOR TO INSTALLING A BANNER.**
 - G. **TEMPORARY BANNER SIGNS SHALL BE REMOVED NO LATER THAN TWENTY-FOUR (24) HOURS AFTER THE CONCLUSION OF THE DISPLAY PERIOD.**

2. **ALL OTHER SIGNS SHALL COMPLY WITH THE PROVISIONS OF THE ZONING ORDINANCE.**

SECONDED BY MR. COZZO.

ROLL CALL:

**AYE: MR. MATEJCZYK, MR. COZZO, MRS. HAMERNICK, MR. QUIRK,
MRS. RABATAH, MR. WAECHTLER**

NAY: MR. BEGGS, MR. WEBSTER

MOTION CARRIED. VOTE: 6-2

As to voting nay, Mr. Beggs stated his comments were previously recorded above.

Mr. Webster voted “nay” because he agreed there was a precedent being set. He stated many planned developments were located along Butterfield Road and were commercial in nature. The petition would not stop them from asking for the same.

Mr. O’Brien expects this petition to go before Village Council on June 23, 2009. The telecommunications tower matter is still on the July 6th agenda. Should Commissioners not hear from staff by the end of the week, Mr. O’Brien said it was safe to assume the matter would be discussed at the July 6, 2009 meeting.

APPROVED 7/6/2009

**MR. RABATAH MOVED TO ADJOURN THE MEETING. MR. HAMERNICK
SECONDED THE MOTION. THE MEETING WAS ADJOURNED AT 8:12 P.M.**

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
JULY 6, 2009, 7:00 P.M.

Chairman Jirik called the July 6, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mrs. Hamernick, Mrs. Rabatah, Mr. Waechtler

ABSENT: Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mr. Webster

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager

VISITORS: Mr. Harrison Holm, 4200 Highland Avenue, Downers Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

JUNE 1, 2009 MEETING MINUTES - MRS. RABATAH MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MRS. HAMERNICK. MOTION CARRIED BY VOICE VOTE OF 4-0.

The Chairman announced that the telecommunication agenda item was moved to November 2, 2009.

An explanation of the meeting's protocol followed.

PC-15-09 A petition seeking final plat of subdivision to consolidate two existing lots into one lot on the west side of Highland Avenue approximately 250 feet south of 41st Street, commonly known as 4220 Highland Avenue, Downers Grove, Illinois. Patrick Holthaus, Bradford & Kent, Petitioner; Harrison and Marianna Holm, Petitioners.

Mr. Jeff O'Brien, Planning Manager for the Village of Downers Grove, explained the petition was to consolidate two lots into one, specifically 4220 Highland Avenue. The 13,800 sq. foot property is located on the west side of Highland Avenue, north of Ogden Avenue and is surrounded by single-family residences. (A 2006 aerial photograph was presented.) The two individual lots are each 50 feet by 138 feet deep. Petitioners' request is to consolidate the two lots to obtain a building permit to construct a 12 ft. by 14 ft. addition on the southwest side of the home. Currently, the addition would cross the existing common property line between the two lots. A new deck and porch is planned for the west side of the home. Mr. O'Brien stated the requests meet the requirements of the building, zoning and engineering codes. With the consolidation of the lot, the side yard set backs are five feet. Currently, the home sits 12 feet from the north lot line and about 45 feet from the south lot line. The existing garage sits 7 feet from the rear lot line and 10 feet from the south property line and currently meets current code.

Staff received a few phone calls inquiring about the petition. An email (located on the dais) commended the applicant for protecting the trees on his property. Staff recommended that the Plan

Commission forward a positive recommendation to the Village County with the one condition in staff's report.

A question followed on clarifying the protection of the trees on the site. A question also followed regarding the garage.

Harrison Holm, Petitioner, responded that the garage was constructed last December.

Chairman Jirik commended staff on the graphics presented for the petition. He invited the petitioner to speak.

Mr. Harrison Holm, 4200 Highland Avenue, Dowers Grove, clarified that his wife inherited the home, and only one family has resided at the property since 1925. He noted an addition for a bathroom was put on the home in the 1990's, which required no request to consolidate the lots. Mr. Holm explained the layout of the current residence and why the new addition was being added to the home. Regarding the trees on the lot, one is a 100-year old elm, and one will need some trimming for the construction of the addition. However, he stated no trees would be eliminated. He pointed out another lot he owns which heads towards Main Street.

Chairman Jirik opened up the meeting to public comment. There were no comments. The Chairman then closed public comment.

Mr. Waechtler asked staff to elaborate on some of the prior zoning restrictions, if any, wherein Mr. O'Brien explained prior restrictions were that any additions had to occur on a zoning lot versus a lot of record. He stated in 2006 the zoning lot concept was eliminated. He said concerns came in when there were property transfers.

Mr. Beggs confirmed with staff that proper signage, mailing, and hearing publication took place. Mrs. Hamernick confirmed with staff that prior the lot was a legal non-conforming lot and now it would become a conforming lot.

Mr. Holm, Petitioner, explained the property only had one tax bill for the two lots, and the parcel number encompassed both lots.

WITH RESPECT TO PC-15-09, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE FINAL PLAT OF SUBDIVISION, SUBJECT TO THE FOLLOWING CONDITION.

THE FINAL PLAT OF CONSOLIDATION SHALL SUBSTANTIALLY CONFORM TO THE PLAT OF CONSOLIDATION PREPARED BY PROFESSIONAL LAND SURVEYING, INC. DATED APRIL 15, 2008 AND REVISED ON JUNE 18, 2009 EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.

SECONDED BY MR. WAECHTLER.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 5-0

Mr. O'Brien stated one agenda item (a right-of-way vacation) was scheduled for the August 3rd meeting. The T-Mobile Tower matter will be continued to the November meeting. Notices, paid by the petitioner (T-Mobile), were mailed to the surrounding neighbors discussing the petition. New packets will be sent to commissioners when the matter comes forward.

**MRS. HAMERNICK MOVED TO ADJOURN THE MEETING. MRS. RABATAH
SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

THE MEETING WAS ADJOURNED AT 7:25 P.M.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
AUGUST 3, 2009, 7:00 P.M.

Chairman Jirik called the August 3, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk,
Mrs. Rabatah, Mr. Waechtler, Mr. Webster (arrives 7:05 p.m.)

ABSENT: Mr. Cozzo

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager; Ms. Alice Dornan, Community Development Secretary

VISITORS: Mr. Kevin Nystedt, 4500 Lee Ave., Downers Grove; Mr. Mark Thoman, 1109 61st St.; Downers Grove; Mr. David Murray, 4501 Lee Ave., Downers Grove petitioner; Mr. James F. Russ, Jr., attorney for petitioner, 4915 Main St., Downers Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

Chairman Jirik thanked Alice Dornan for her many years of service to the Plan Commission and the Village of Downers Grove.

JULY 6, 2009 MEETING MINUTES - MR. WAECHTLER MADE A MOTION TO APPROVE THE MINUTES, AS PREPARED, SECONDED BY MR. QUIRK. MOTION CARRIED BY VOICE VOTE OF 7-0.

An explanation of the meeting's protocol followed.

PC-16-09 A petition seeking a vacation of the 33-foot wide by 402.6 foot long south half of Grant Street right-of-way located on the east side of Lee Avenue, immediately north of 4501 Lee Avenue, Downers Grove, IL (PIN -09-06-312-001); James F. Russ, Jr., Attorney; Petitioner; David Murray, Owner.

Chairman Jirik swore in those individuals who would be speaking on behalf of PC-16-09.

Mr. Jeff O'Brien, Planning Manager (Mr. Webster arrives at 7:05 p.m.) for the Village, summarized that the petition seeks to vacate the south 33 feet of the Grant Street (mostly unimproved) right-of-way immediately east of Lee Avenue. The property at 4501 Lee is 113 feet wide and just over an acre. The property to be vacated is 33 feet wide contains an approximately 12-foot x 150-foot asphalt driveway. Another vacated property to the east was pointed out on the overhead, and it was noted that the Village maintained a 10-foot walking path easement from Downers Drive into Lee Grant Park. Per staff, the petitioner was seeking to construct a new home on 4501 Lee Avenue and was proposing to acquire the right-of-way.

With the acquisition of the right-of-way, the size of the property will increase to 146 feet x 402 feet or 1.3 acres. The Village does plan to retain easements on the site with a 10-foot easement along the north property line for public utilities and to have a walking path. Another 10-foot easement will be retained along the east property line for public utilities and drainage. Other taxing districts and utilities were contacted, and ComEd has made the Village aware of a utility pole in the Lee Avenue right-of-way; however, the supporting cables are within the Grant Street right-of-way. ComEd feels the 10 ft. easement the Village is retaining on the north half of the right-of-way will be appropriate to maintain their utility pole.

Mr. O'Brien advised no permits for the proposed home have been submitted. The setbacks will remain at 40 feet for the north and west property lines. A 20 ft. setback will be maintained in the rear yard, and a 10 feet setback will be maintained from the south property line, all as required by Code. Currently, the Park District is not participating in vacating the northern half of the right-of-way. They have indicated that they would like to vacate the right-of-way in the future. Per staff, the proposed right-of-way does meet the requirements of Resolution 2003-58, and staff recommends compensation as discussed in staff's report (page 4). However, the final decision rests with the Village Council. Staff recommended approval subject to staff's conditions in its report.

Commissioner comments followed.

Mr. Matejczyk asked if the Park District maintained the walking path that leads from Downers Drive to Lee-Grant Park. Mr. O'Brien confirmed that the walking path is maintained by the Village and will continue as such. When the path is extended to the west, the Village and Park District would likely have to discuss maintenance of the new path; however, the Village would continue to maintain the eastern leg. Mr. O'Brien explained some of the options that were being discussed for extending the walking path through the park to the sidewalk on Lee Avenue, noting the Village and the Park District have made a commitment to maintain the access from Downers Drive into the park.

Ms. Hamernik asked for clarification that if the Park District would have vacated their portion, the right-of-way would no longer exist and the northern setback for 4501 Lee Avenue would be reduced from 40 feet to 10 feet. Mr. O'Brien explained the setback would be reduced if the northern half of the right-of-way was vacated.

Mr. James Russ, Jr., attorney for the petitioner and property owner, David Murray, believed the request made sense given the street to the east had already been vacated. The vacation will add land to the owner's property and offers an opportunity for future development of a nicer property. He and his client was disappointed the Park District chose not to vacate its portion. Mr. Russ confirmed that the current home on the property is vacant and will be razed.

Chairman Jirik opened up the matter to public comment.

Mr. Kevin Nystedt, 4500 Lee Avenue, asked that the path continue to be maintained due to the amount of pedestrian traffic using the path; i.e., grade school children and high school students. He believed a more formal walkway was necessary, however. Chairman Jirik indicated the Park District and the Village would have to work out the final details regarding extending the path.

There being no more public comment, Chairman Jirik closed the matter to public comment.

No further comments followed from the commissioners or the petitioner.

Mr. Waechtler commented the debris to the east of the existing garage should be removed soon, wherein Mr. Russ explained demolition was set within the next month.

WITH RESPECT TO PC-16-09, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE RIGHT-OF-WAY VACATION, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED AUGUST 3, 2009.**
- 2. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL SUBMIT A MYLAR COPY OF THE FINAL PLAT OF VACATION INDICATING THE TEN-FOOT WIDE PUBLIC UTILITY AND ACCESS EASEMENT ALONG THE NEW NORTH PROPERTY LINE AND A TEN-FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE REAR (EAST) PROPERTY LINE OF 4501 LEE AVENUE.**
- 3. PRIOR TO EXECUTION OF THE PLAT, THE PETITIONER SHALL PAY THE VILLAGE A TOTAL OF \$28,106.37.**
- 4. ANY PORTION OF THE REMAINING GRANT STREET EXTENSION DAMAGED OR DEMOLISHED DURING CONSTRUCTION OF THE NEW RESIDENCE SHALL BE FULLY RESTORED WITH GRASS.**

SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 8-0

Staff noted that there was nothing on the September agenda to date.

MRS. HAMERNICK MOVED TO ADJOURN THE MEETING. MR. MATEJCZYK SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 7:28 P.M.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
SEPTEMBER 14, 2009, 7:00 P.M.

Chairman Jirik called the September 14, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

ABSENT: Mrs. Hamernick, Mr. Quirk

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager

VISITORS: Ms. Marge Earl, 4720 Florence Avenue, Downers Grove; Mr. Greg Bedalov, Downers Grove Economic Development Corporation; and Ms. Georgia Makropoulou, 2151 63rd St., Downers Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

AUGUST 3, 2009 MEETING MINUTES - MR. WEBSTER MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. COZZO. MOTION CARRIED BY VOICE VOTE OF 7-0.

An explanation of the meeting's protocol followed. Chairman Jirik announced that the telecommunications tower proposed for Whitlock Park would not be discussed at this meeting. He indicated public notice would be tendered once the hearing was scheduled, but that the matter would likely not be discussed by the Plan Commission until November 2, 2009.

PC 19-09 A petition seeking an Amendment to Chapter 28 of the Municipal Code Zoning Ordinance Section 28.1500 Signs to amend the original monument sign regulations as they relate to shopping centers and automobile dealerships; Downers Grove Economic Development Corporation, Petitioner

Chairman Jirik announced there has been a request to continue the above matter to the October 5, 2009 meeting. Planning Manager, Mr. Jeff O'Brien, clarified the petitioner was not the Village of Downers Grove, but was, instead, the Downers Grove Economic Development Corporation.

WITH RESPECT TO PC 19-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION CONTINUE FILE #PC 19-09 TO A DATE CERTAIN, THAT DATE BEING OCTOBER 5, 2009.

SECONDED BY MRS. RABATAH.

ROLL CALL:

**AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS, MR. COZZO,
MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK**
NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC 20-09 A petition seeking an Amendment to Chapter 28 of the Municipal Code Zoning Ordinance Section 28.1203 Nonconforming Lots to amend the nonconforming lot provisions as they relate to legally created lot splits prior to May 16, 2006; Village of Downers Grove, Petitioner

Mr. O'Brien, discussed that the Village is requesting a review of a text amendment to the Zoning Ordinance, which relates to the nonconforming lot provisions. In May 2006, Mr. O'Brien explained the Village eliminated the zoning lot concept because it was causing issues when constructing new homes. In its place was created the "lot of record" concept which the Village's ordinance allows to be created under a plat of subdivision and filed with the DuPage County Recorder's Office. The change, however, effectively made all prior approved lot splits unbuildable without some further action by the Plan Commission and Village Council.

In essence, Mr. O'Brien explained that the Village was creating a "clean-up amendment" that will add language to the non-conforming lots provision in the zoning ordinance. The amendment will permit any lot legally created through the lot split process prior to May 16, 2006 to be improved, provided they conform to the village's minimum lot standard (50 feet wide or 7,500 sq. feet).

Mr. Waetchler asked if the change would affect to the character of neighborhoods. Mr. O'Brien explained this would not allow the creation of any new lots, but rather allow existing lots to be improved. He clarified that issue was initially raised through a sales transaction in the Ellsworth Industrial Park area. Mr. O'Brien did not recall any other similar matter arising recently and believed this was the first time since the 2006 residential amendments. Other clarifications to questions followed by staff. Mr. O'Brien summarized that the revision was basically a "grandfather clause" for lots created by the lot split process. However, he suggested adding language that clarified that "all lots created by lot splits prior to May 16, 2006, shall be buildable provided they meet the bulk characteristics of the zoning district." Mr. Beggs asked about publication requirements. Chairman Jirik believed the concept was duly published and that staff and the Commission were adding clarifying language.

Per Mr. Waetchler's question about owners who have a 50-foot wide buildable lot and how the proposed amendment would affect those owners. Mr. O'Brien explained that if an owner had two 50 foot wide lots of record next to each other, the owner could sell and improve both lots individually.

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

WITH RESPECT TO PC 20-09, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION WITH REGARD TO THE TEXT AMENDMENT ASSOCIATED WITH FILE #PC 20-09, WITH THE FOLLOWING MODIFICATION:

INSERT THE PHRASE “MAY BE IMPROVED PROVIDED ANY SUCH IMPROVEMENT COMPLIES WITH THE BULK REGULATIONS FOR THE PARTICULAR ZONING DISTRICT IN WHICH THE LOT IS LOCATED AND PROVIDED” AFTER “MAY 16, 2006” AND BEFORE SUBPARAGRAPH “i.”
THE MOTION WAS SECONDED BY MR. WAECHTLER.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Mr. O'Brien stated the November 2, 2009 agenda will likely include two cell tower matters and a number of other items. Staff will keep the commissioners up to date. He indicated there would be several cases on the October 5, 2009 agenda.

MR. COZZO MOVED TO ADJOURN THE MEETING. MR. WEBSTER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 7:30 P.M.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
OCTOBER 5, 2009, 7:00 P.M.

Chairman Jirik called the October 5, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

ABSENT: Mrs. Hamernick, Mr. Waechtler

STAFF PRESENT: Mr. Jeff O'Brien, Planning Manager; Mr. Damir Latinovic and Mr. Stan Popovich, Village Planners

VISITORS: Patti Patenaude, A-1 Storage DG, 2701 Wisconsin Avenue; Robert Cynowa, A-1 Storage DG, 2701 Wisconsin Avenue; Robert Muir, A-1 Storage DG, 2701 Wisconsin Avenue; Mike Derry, 617 Sherman Street; Georgia Makropoulos, 2151 63rd Street; Julie and Brian Skeen, 4832 Douglas Road; Chris Salman, Stature Custom Homes, 943 Maple Avenue; Mary Ellen Neuson, 6360 Belmont Road; and Marge Earl, 4720 Florence Avenue

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

SEPTEMBER 14, 2009 MEETING MINUTES - MR. MATEJCZYK MOVED TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. COZZO. MOTION CARRIED BY VOICE VOTE OF 7-0.

An explanation of the meeting's protocol followed.

PC-19-09 A petition seeking an Amendment to Chapter 28 of the Municipal Code – Zoning Ordinance Section 28.1500 Signs to amend the original monument sign regulations as they relate to shopping centers and automobile dealerships; Downers Grove Economic Development Corporation, Petitioner.

Chairman Jirik noted staff has asked this matter be opened and continued. He entertained a motion.

WITH RESPECT TO FILE PC-19-09, MRS. RABATAH MADE A MOTION TO CONTINUE THE HEARING TO A DATE CERTAIN, THAT DATE BEING NOVEMBER 2, 2009. MR. BEGGS SECONDED THE MOTION.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

Mr. Beggs asked staff to have all pertinent information on this case available at the next hearing.

Chairman Jirik announced a change in the agenda to take PC 23-09 to the second item on the agenda.

PC-23-09 A petition seeking a Special Use for a self-storage facility in the M-1 Light Manufacturing District for the property located at the southwest corner of Wisconsin and Katrine Avenues, commonly known as 2659 Wisconsin Avenue, Downers Grove, Illinois (PIN 08-12-303-008); James F. Russ, Jr. on behalf of Sievers and Stevens Construction, Petitioner; Downers Grove National Bank, Owner

The Chairman noted this case was being continued. Staff confirmed that the November 2, 2009 date would be fine versus a December date.

WITH RESPECT TO FILE PC-23-09, MR. COZZO MADE A MOTION TO CONTINUE THE HEARING TO A DATE CERTAIN, THAT DATE BEING NOVEMBER 2, 2009. MRS. RABATAH. SECONDED THE MOTION.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

PC-21-09 A petition seeking an alley vacation for a 14-foot wide by 125-foot long alley running east and west adjacent to the properties commonly known as 4832 and 4838 Douglas Road, Downers Grove (PIN 09-08-215-032, -042); Brian and Julie Skeen and Michael and Rita Derry, Petitioners; Village of Downers Grove, Owner.

Chairman Jirik swore in those individuals who would be speaking on File PC-21-09.

Mr. Stan Popovich, Village Planner, discussed that the request is for the vacation of a 14-foot wide by 125-foot long alley that runs east and west between properties located at 4832 and 4838 Douglas Road. The proposal is to divide the alley in half with seven feet vacated to the north property and seven feet vacated to the south property. The utility companies, police, fire and Public Works departments, etc. were contacted to determine if any rights to the public right-of-way should be retained. ComEd utility poles are located in the alley and are used by ComEd, AT&T and Comcast. Staff and the utilities recommend that a public drainage, utility and access easement be retained along the entire width and length of the alley. The easement will then restrict any construction within the vacated right-of-way except for a driveway or fence. The petitioner is aware of this and had no objection.

Per staff, the proposed vacation is consistent with the Future Land Use Plan and other Village planning documents and the proposal meets zoning compliance. Side yard requirements were then

reviewed for each of the properties on Douglas Road, with staff stating the proposed vacation is consistent with the Zoning Ordinance. The Fire Department and the Police Department reviewed the plans for the vacation and had no objections to the request.

Per Mr. Popovich, staff recommends that the petitioners provide the Village with compensation for the alley to be vacated and believes the petitioners should compensate the Village fair market value of the vacated property. An explanation followed on the calculations for the fair market value, noting the calculation totaled \$3,632.48 and should be paid by the petitioners to the Village.

While the proposed alley vacation is compatible with the surrounding zoning and land use classifications, staff found that, based on the above findings, the Plan Commission should make a motion recommending approval of the right-of-way vacation to the Village Council subject to the conditions listed in its staff report.

A commissioner requested that in the future staff provide the exact location of where such right-of-way vacations are located. Clarification followed regarding the driveway (hard dust-free surface), fence restrictions, and the fact that it will be the petitioner's responsibility to repair the driveway if the village or utility companies come in to work.

Petitioners Mrs. Julie Skeen and Mr. Brian Skeen, 4832 Douglas Road appeared. Mrs. Skeen stated she and her husband wanted to purchase the land in order to build up to the easement if necessary.

No questions followed from the commissioners. Chairman Jirik opened up the meeting to public comment. No comments followed. The public comment portion was closed.

Mrs. Rabatah inquired about the calculations in the assessed value.

WITH RESPECT TO FILE PC-21-09, MR. MATEJCZYK MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED OCTOBER 5, 2009.**
- 2. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, EACH PETITIONER SHALL SUBMIT A MYLAR COPY OF THE FINAL PLAT OF VACATION INDICATING A SEVEN FOOT PUBLIC DRAINAGE, UTILITY AND ACCESS EASEMENT ALONG THE ENTIRE LENGTH AND WIDTH OF THE ALLEY TO BE VACATED.**
- 3. PRIOR TO EXECUTION OF THE PLAT, THE PETITIONER AT 4832 DOUGLAS ROAD SHALL PAY THE VILLAGE A TOTAL OF \$1,816.24 AND THE PETITIONER AT 4838 DOUGLAS ROAD SHALL PAY THE VILLAGE A TOTAL OF \$1,816.24.**

SECONDED BY MR. QUIRK.

ROLL CALL:

**AYE: MR. MATEJCZYK, MR. QUIRK, MR. BEGGS, MR. COZZO, MRS. RABATAH,
MR. WEBSTER, CHAIRMAN JIRIK**
NAY: NONE

MOTION CARRIED. VOTE: 7-0.

PC-24-09 A petition seeking an amendment to Chapter 28 of the Municipal Code – Zoning Ordinance Section 28.606 B-2 district special uses. The purpose of the request is to amend the list of Special Uses in the B-2 General Retail Business District to allow an animal kennel as a special use; Georgia Makropoulos, Petitioner.

Chairman Jirik swore in those individuals speaking on PC-24-09.

Village Planner, Mr. Latinovic, explained the petitioner is seeking to add the use “animal kennel” to the list of permitted special uses in the B-2 General Retail Business District. Animal kennel is defined in the Zoning Ordinance as “any lot or premises or portion thereof on which more than four (4) dogs or cats, or other household domestic animals over four (4) months of age, are kept or in which more than two (2) such animals are boarded for compensation or kept for sale.” Staff explained the differences between the B-1, B-2 and B-3 business districts as it relates to location and what types of uses are provided under each classification. Mr. Latinovic further explained that uses with similar characteristics as animal kennels are allowed either as permitted uses or special uses in the B-2 zoning district including a by-right permitted use, such as veterinary clinics or animal surgical facilities. A list of other by-right permitted uses in the B-2 district followed: hospitals, hotels and motels, public swimming pools, taxidermist shops, etc.

Mr. Latinovic called attention to the fact that all special uses must be reviewed by the Plan Commission and the Village Council, and the Village Council authorizes special uses by ordinance, provided the following four standards for approval are met: 1) the proposed use is necessary and will contribute to the general welfare of the neighborhood or community; 2) the use will not detrimental to the public health, safety, morals, or general welfare; 3) the use must comply with all portions of the Zoning Ordinance; and 4) the use has to be specifically listed for the district in which it is to be located.

It was noted there are a number of animal kennels currently in the B-3 General Services and Highway Business district and the M-1 Light Manufacturing district and because they are allowed as permitted uses, they did not have to appear before the Plan Commission and Village Council for approval. Mr. Latinovic stated staff believes the proposal is consistent with the intent of the Zoning Ordinance and other special uses in the B-2 district and will allow the Village more control over land use development. Staff recommended approval of the request.

Commissioner questions followed on the permitting of the outdoor kennel use, whereby Mr. Latinovic stated that it would have be reviewed before the Plan Commission as part of the special use process, at which time additional conditions could be placed upon the outdoor use, followed by approval of the Village Council.

Dialog followed that a prior petition for a kennel did go through the Plan Commission meeting but the petitioner pulled the petition prior to Village Council consideration. Mr. O’Brien clarified that staff did encourage the petitioner to move the text amendment forward for that previous petition, since the petitioner already received a positive recommendation by the Plan Commission. In

general, Mr. O'Brien stated the Village's zoning ordinance is older and contains some uses that are outdated such as blacksmith shops. In speaking about the differences between the special uses in Section 28.606 and the permitted uses in Section 28.605, Mr. O'Brien explained a lot of the special uses in the B-2 district have outdoor activities associated with them and are deemed generally to have a bigger impact on the immediate neighborhood.

For the record, the Chairman reviewed staff's definition of a "kennel" and the fact that it is being regulated by three conditions, which was a positive.

Petitioner, Ms. Georgia Makropoulos, 2151 63rd Street was present. She explained she owns a pet grooming and boarding business in the Meadowbrook Shopping Center. She works along with two other area businesses and helps house animals for over-flowing shelters such as the humane society. There will be no more than 15 animals in the facility due to the limited space. Currently, the facility is operating as a grooming facility. She also works with high school students to earn their community service hours.

Chairman Jirik opened up the meeting to public comment. None followed. Public comment was closed. No closing statement followed.

Mr. Matejczyk cautioned the commission regarding outdoor kennels and the noise associated with them, which he felt staff and the petitioner did take into consideration. Mrs. Rabatah also agreed and she did not see any issues with the request.

WITH RESPECT TO PC-24-09, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THIS PETITION. SECONDED BY MR. MATEJCZYK.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

PC-25-09 A petition seeking a special use for an animal kennel with a variation for closed-design fence within a front yard for the property located at the southeast corner of 63rd Street and Belmont Road, commonly known as 2151 63rd Street, Downers Grove, Illinois (PIN 08-24-202-005); Georgia Makropoulos, Petitioner; Arun Enterprises, Owner

Chairman Jirik swore in those individuals speaking on this petition.

Mr. Latinovic explained the petition before the commissioners is for a special use for an animal kennel for the referenced 1,300-square foot property located in the Meadowbrook Shopping Center. The property is zoned B-2 General Retail Business District and is operating as a dog grooming business. The petitioner is also requesting a text amendment to add "animal kennels" as a Special Use within the B-2 district. (See above petition) Also, the petitioner is requesting a zoning variation to install a *solid*, eight-foot high fence along the west side of the property (Belmont Road)

whereas the Zoning Ordinance allows an eight-foot high “open” design fence only within the 25-foot front yard along the west (front) property line.

The proposed animal kennel is currently not allowed as a special use in the B-2 district. Therefore, as part of the proposal, staff explained the petitioner has filed a separate petition requesting a Zoning Ordinance text amendment to add "animal kennels" as a special use in the B-2 zoning district (PC-24-09). As such, this Special Use request (PC-25-09) for the proposed animal kennel at 2151 63rd Street is contingent on the approval of PC 24-09.

Per staff, the petitioner opened the dog grooming business in 2006 and began boarding animals overnight. However, when the Village became aware of it, the petitioner was notified of the violation and stopped boarding animals. The special use approval will allow the petitioner to legally board animals overnight.

Staff believes the proposed development is consistent with the intent of the Future Land Use Plan

Mr. Latinovic stated there was no physical hardship or unique circumstances associated with the property that would warrant granting the variation and the petitioner has the option to install an open design fence with landscaping to provide additional screening. Should the variation request be granted, it will allow a special privilege that is denied to other property owners and will also be applicable to other shopping centers in the Village. Additionally, Mr. Latinovic explained that if the solid fence is granted, it will alter the character of the immediate neighborhood. Staff believes the proposed 8-foot solid fence along the property line could endanger public safety. Therefore, staff recommended denial of the requested variation.

The Fire Prevention Division of the Fire Department reviewed the petition documents and conveyed that an upgrade to the existing fire alarm system may be required.

Mr. Latinovic said staff believes the standards for a special use have been met and a proposed animal kennel is a desirable use in the community. However, staff does recommend as a condition for approval, that all dogs in the outdoor area must be supervised at all times. Staff agrees the proposal is compatible with the surrounding area and will not have an adverse effect on the existing uses or trend of development in the area. If the petition for the Zoning Ordinance text amendment to allow "animal kennels" as a special use in the B-2 district (PC-24-09) is approved, the proposed use will be listed as an allowable special use in the district.

As to the variation to install a solid eight-foot high fence, staff believes the proposal does not meet all standards for granting the zoning variation except and, therefore, recommended denial of the zoning variation request. Instead, Mr. Latinovic recommended that the Plan Commission make a positive recommendation regarding PC 25-09 to the Village Council subject to the three conditions listed in staff's memo and deny the zoning variation request for the solid fence.

The Commission as staff to confirm that if the fence variation was approved, it could affect other properties in the village. Mr. Latinovic concurred and explained that a physical hardship is typically required to allow a variation, as compared to this request, which staff did not find anything unique about the property. Dialog followed regarding the definition of a front yard for a corner property. Chairman Jirik confirmed with staff that in order to meet the variation, the proposed solid fence would have to be in a rear yard or side yard not abutting a street. Further clarification

followed on the exterior aesthetics of the business and creating a vista so that patrons passing could view the business. The Chairman felt that the request was neutral whether it was a brick wall or a wooden wall.

Mr. Latinovic spoke about the blind spots the fence could create and become a public safety issue. Mr. O'Brien clarified that when staff reviews a request, it considers the conditions on the property and not what are the conditions on the property as a result of the proposed use. Another consideration is what other options does the applicant have to protect the animals and public walking past the fence? Mr. O'Brien stated that if the Plan Commission found something unique about the property, it could make an alternative finding.

Mr. Beggs asked staff to clarify the location of the proposed fence and questioned the accuracy of the aerial photographs. He queried whether the effect of a solid fence would bring the appearance of the walls closer to the sidewalk. Furthermore, he remarked that if the solidity of the face was increased it would appear to bring the variation closer to the street. The Prentiss Creek building was referenced, noting its setback of 240 feet from the south property line. Per a question, the petitioner described where the dumpster would be relocated.

Mr. Matejczyk asked staff whether it would be possible for the owner to extend the building line to where the fence is now, to which staff stated there is a 25-foot setback requirement for structures now and the building was constructed as a planned development back in the 1970's. Questions followed as to what constitutes an "open" fence.

Petitioner, Ms. Makropoulos, 2151 63rd Street, described where she wanted the fence in order for the animals to get some fresh air yet separate the animals from the public for safety purposes. Unfortunately, she said her front yard was also her back yard. As to sanitation, she stated the dogs are walked and any excrement is picked up by the walkers. The rear enclosed yard would be power-washed. No kennels would be located outside. She stated the dogs would not be outside prior to 8:00 a.m. or after 8:00 p.m. Clarification followed on how the future dog grooming school would connect to the kennel area of the current business.

Chairman Jirik opened up the meeting to public comment.

Mary Ellyn Nelson, representing Elite Sports Complex, 6360 S. Belmont, conveyed that she has seen the petitioner's dog walkers who do clean up after the dogs. She did raise concern about the public notice that was sent out only to property owners and not the renters, the fact that there were children in the area, and the fact that a licensed preschool existed in her building, which had a lot of pick-up/drop-off activities going on. As to fire safety, she was concerned about the petitioner's business only having one door for entry and exit. Additionally, she voiced concern about loose dogs, noise, and suggested placing a top on the fence of the outdoor area.

Chairman Jirik closed public comment.

Petitioner, Ms. Makropoulos, stated she did not hear the dogs barking when she was eating at the adjacent taco store. She has not heard of any complaints from her neighbors and stated the landlord has agreed to allow her business to exist. She believed a future grooming school would be beneficial and bring more business to the Meadowbrook Shopping Center.

Mr. Matejczyk agreed there was a safety issue and that a solid fence would be appropriate especially since smaller children were in the area and are sometimes attracted to dogs. Since it was a leased property, he confirmed with staff that the fence variation would go with the land. As to only having one front entry and exit and the fire department not reviewing the request, staff assumed the fire department would require a fence gate with a lock.

Chairman Jirik spoke about the generous area of the exterior area and the fact that it comes up close to the sidewalk. He queried staff whether the fence could be pulled back from the corner, creating a corner-to-corner area to maintain some space between the solid fence and the public sidewalk, thereby creating some neutral aesthetics. Mr. Matejczyk and Mrs. Rabatah concurred, commenting that some landscaping could be added in front of the fence. Mr. Beggs, however, was in agreement that the business owner wanted to expand her business but to establish a new criteria to protect the business or legislate it, he did not support. Mr. Webster questioned as to what could be put inside the interior of the fence and agreed with staff's nine standards. He believed it was a self-imposed hardship. Mr. Matejczyk argued the point that if the variation was not granted, the petitioner could install a four-foot open fence, which he felt would be inappropriate for the public's safety and the business.

The Chairman also noted that the Plan Commission could place greater restrictions on the Special Use and the commission could act on the Special Use first, followed by the variation.

WITH RESPECT TO PC-25-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE SPECIAL USE FOR AN ANIMAL KENNEL IN THE B-2 DISTRICT, INCLUDING THE FOLLOWING CONDITION LISTED BELOW:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE PLAT OF SURVEY PREPARED BY INTECH CONSULTANTS, INC. DATED JULY 10, 1992, AND THE PROPOSED BUILDING LAYOUT ATTACHED TO STAFF REPORT DATED OCTOBER 5, 2010 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**
- 2. THE PC-25-09 PETITION IS CONTINGENT ON THE APPROVAL OF THE PC-24-09 PETITION. THE PC-24-09 PETITION FOR THE ZONING ORDINANCE TEXT AMENDMENT TO ADD AN "ANIMAL KENNEL" TO THE LIST OF SPECIAL USES IN THE B-2 ZONING DISTRICT SHALL BE APPROVED BY THE VILLAGE COUNCIL PRIOR TO VILLAGE COUNCIL CONSIDERATION OF PETITION PC-25-09. IF THE PC-24-09 PETITION IS NOT APPROVED, THEN THE PC-25-09 PETITION BECOMES ANNULLED AND CANNOT BE CONSIDERED BY THE VILLAGE COUNCIL.**
- 3. ALL DOGS IN THE OUTDOOR AREA SHALL BE SUPERVISED AT ALL TIMES.**
- 4. THE USE OF THE OUTDOOR AREA FOR DOGS SHALL BE LIMITED TO THE HOURS BETWEEN 8 A.M. AND 8 P.M**

SECONDED BY MR. COZZO.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

WITH RESPECT TO PC-25-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE ZONING VARIATION FOR AN 8-FOOT SOLID FENCE FOR 2151 63RD STREET SUBJECT TO THE FOLLOWING CONDITION:

- 1. THE PETITIONER SHALL SUBMIT A SPECIFIC RENDERING OF THE PROPOSED FENCE, ITS MATERIAL, AND THE SPECIFIC LOCATION OF THE FENCE WITH THE PROPOSED SETBACK BETWEEN THE FENCE AND THE SIDEWALK.**

SECONDED BY MR. QUIRK.

ROLL CALL:

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

NAY: MR. BEGGS, MR. WEBSTER

MOTION CARRIED. VOTE: 5-2.

Mr. Webster voted Nay because he agreed with Mr. Beggs' point about operating the business wholly within the property that is existing without asking for any variation; otherwise the petitioner could install an open fence.

Mr. Beggs voted Nay stating the petitioner should carry on the business within its confines. He did not believe granting a variation to the petitioner was fair to the others.

PC-26-09 A petition seeking a special use to allow a second floor residential unit in the Downtown Business (DB) district for the property located on the west side of Main Street, approximately 155 feet south of Burlington Avenue, commonly known as 5114 Main Street, Downers Grove (PIN 09-08-302-013); Chris Salman, Stature Custom Homes, Petitioner; David Lisberg, Owner

Chairman Jirik swore in those individuals who would be speaking on File PC-26-09.

Village Planner, Mr. Stan Popovich discussed the petitioner is requesting a special use to construct a residential unit on the second floor of 5114 Main Street, located on the west side of Main Street between Burlington Avenue and Curtiss Street. Currently, a Coldwell Banker's real estate office uses the first floor of the two-story building and the southern half of the second floor has an existing residential unit. The northern half of the building is currently used as storage and is proposed to be

converted into a two-bedroom apartment. The 5,532 square foot property is zoned DB, Downtown Business. Multi-family residential units are an allowable Special Use in the DB district and the conversion of this space will require Special Use approval.

Per staff, the new 852 square foot apartment will have access from the east (front) of the building through an existing stairway and through a door directly onto Main Street. A proposed deck extension will run the width of the building and will be constructed to provide two new rear entrances to the apartment. The apartment will have two bedrooms, one bath, a living room and kitchen and a mud room.

All setback and bulk zoning regulations are being met within the DB zoning district and parking is adequate. The Future Land Use Plan designates the location as Commercial and the proposed apartment is an allowable special use in the DB zoning district. Because the use is consistent with surrounding upper floor residential and business uses, the apartment will not impact the land use characteristics of the property or neighborhood. Staff believes the proposed development is consistent with the intent of the Future Land Use Plan. Currently, there are no proposed public improvements associated with this application.

Per staff, the Fire Department has reviewed the proposal and finds no objection to the proposed use except for minor safety upgrades. The upgrades will include the installation of a fire-rated door, exit and emergency lighting, and pull stations in order to issue a building permit. Staff has spoken to a couple of the neighbors who have had no objections.

Staff believes the standards for a special use have been met and the proposed apartment is a desirable use to provide additional residential opportunities in the downtown. The use will contribute to the general welfare of the community and the development will not be detrimental to the health, safety, morals, general welfare or property values. The proposed development complies with the regulations of the DB zoning district. The requested special use is listed as an allowable special uses in Section 28.610(d) of the Zoning Ordinance.

Mr. Popovich recommended that the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the following condition: The special use shall substantially conform to Exhibit A except as such plans may be modified to conform to Village Codes and Ordinances.

Mr. Popovich confirmed that there would be two residential spaces on the second floor and because the parking requirement was 1.4 spaces per unit, a total of three (3) spaces for both units is required.

Petitioner, Mr. Christopher Salman, 4905 Oakwood, explained he was a builder in town as well as a painting contractor. He believed the apartment was the highest and best use for the property. He stated that when the Coldwell Banker unit was renovated about three years ago, at that time he placed a two-hour fire rating ceiling in the building and did a fire alarm system but was not required to install sprinklers. He did not plan to install sprinklers in the future.

Chairman Jirik opened up the meeting to public comment. No comments followed. Public comment was closed. No comments were received from the plan commissioners.

WITH RESPECT TO PC-26-09, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITION:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO EXHIBIT A EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**

SECONDED BY MR. WEBSTER.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

Mr. O'Brien briefly reviewed next month's agenda. He will not be attending that meeting.

**MRS. RABATAH MADE A MOTION TO ADJOURN THE MEETING. MR. QUIRK
SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

THE MEETING WAS ADJOURNED AT 9:35 P.M.

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

APPROVED 12/7/09

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

NOVEMBER 2, 2009, 7:00 P.M.

Chairman Jirik called the November 2, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

ABSENT: Mr. Cozzo, Mrs. Hamernick, Mr. Quirk

STAFF PRESENT: Community Development Dir. Tom Dabareiner; Planners Stan Popovich and Damir Latinovic

VISITORS: Robert Cynown, 2701 Wisconsin Ave.; Patty Patenaude, 2701 Wisconsin Ave.; Jim Russ, Attorney, 4915 Main Street; Kathy Strohm, 1700 Taylor St.; Mike McDermott, 1801 Whidden Ave.; Bill Gill, 2333 Wisconsin Ave.; Dean Bapes, 6476 Saratoga Ave.; Charles Lukas, 4840 Washington; George Nicholaou 4845 Highland, Jill Martin, 6505 Wells; Sanjay Jaisingani, 8550 W. Brynmar, Chicago, Illinois; David Brammer, 1711 Brookwood;; Greg Bedalov, Downers Grove EDC, 2001 Butterfield; Marge Earl, 4720 Florence; Laura Crawford; Martin Tully, 4808 Cornell Ave; Mark Layne, 777 Army Trail Road, Addison, Illinois.

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

OCTOBER 5, 2009 MEETING MINUTES - MR. WEBSTER MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. MATEJCZYK. MOTION CARRIED BY VOICE VOTE OF 6-0.

An explanation of the meeting's protocol followed.

PC-10-09 A petition seeking a Special Use approval for a telecommunications tower located on the east side of Springside Avenue, approximately 730 feet south of 63rd Street, commonly known as 6401 Springside Avenue, Downers Grove, IL (PIN's 09-19-101-002, 09-19-200-003); Mark Layne, Agent for T-Mobile Central LLC, Petitioner; Community High School District 99, Owner.

Chairman Jirik swore in those individuals who would be speaking on PC-10-09.

Village Planner, Mr. Popovich reviewed the special use request for a telecommunications tower on the 78-acre parcel known as the Downers Grove South High School football field located in the northwest corner of the property. The four existing light poles on the property are 80 feet tall. At the southwest corner of the football field, the petitioner, T-Mobile, is requesting to install a tower with the equipment cabinets located under the west bleachers. The single-user tower is proposed to

be 90 feet tall to the top of the antenna array with the pole being 86.5 feet tall. The existing light pole will be removed and replaced with a four-foot wide tower at the base. The tallest row of the football lights will be approximately 78 feet tall. Details of the equipment cabinets and the surrounding security fences followed. Staff is recommending an enclosure above the equipment cabinet in order to keep out individuals.

T-Mobile is being granted a four-foot wide access easement from the school district. Photos followed. Staff is not recommending landscaping along the tower base since it is similar to other light standards and existing screening is located along Springside to screen the base.

Per staff, the Future Land Use Map calls for the site to be residential with 0-6 dwelling units per acre. Staff does not feel there will be any impacts on the land use character of the school nor the surrounding neighborhood and believes the proposal is consistent with the zoning ordinance's intent. While the goal of the zoning ordinance is to reduce the number of cell towers in the village, currently there are no existing towers or non-residentially zoned properties available in the area. Staff believes the proposal meets the village's bulk regulations and details can be found in the petitioner's submittal.

Continuing, Mr. Popovich confirmed the petitioner has met the standards of Section 28.1307 of the Zoning Ordinance, Telecommunication Towers. He explained the petitioner's coverage goal is to address the communication gap south of 63rd Street between Woodward and Dunham Avenues and from 63rd and Concord. Six locations were considered by the petitioner with staff suggesting T-Mobile use the Maple Avenue water tank in 2008; however, the petitioner declined due to the lease terms not working out. In 2009, staff again suggested the Maple Avenue water tank but T-Mobile felt the tank could not support the antennas at the height and coverage they were seeking. Staff believed modifying the water tank did not meet the village's core services. Other coverage considerations were explained and staff believed that the petitioner exhausted all feasible alternatives to the South High School site and believed the proposal met the goals of the zoning ordinance and special use standards

According to Fire Prevention, there are no issues with the site. However, neighbors did express concern about the tower's height, security, safety, and the impact of property values. A neighborhood meeting was held by T-Mobile in April 2008 with no residents attending. Proper steps were taken to notice the residents of this meeting.

Mr. Popovich reviewed each of the four (4) special use standards, noting that all of them were met. He asked that the Plan Commission forward a positive recommendation to the Village Council.

Questions followed on the location of the coax cable and whether it was considered to be placed outside of the tower. Voltage of the equipment was also raised, since it was close to the bleachers. Asked why the petition was a single-user tower, staff reported the petitioner requested a single user and it could not have additional users on the tower. A multiple-user tower would have to return for a special use request. Mr. Popovich could not confirm whether the petitioner would have a monopoly in the area.

Mr. Beggs raised concern on whether the proposal would affect any future improvements to the high school's football field, wherein Mr. Popovich stated it would be up to the school but he did not see any real opportunity to expand. Mr. Beggs further inquired about the details of the coverage

objectives and coverage gaps of the drive test provided by T-Mobile. Additional questions asked included what gates would be used to access the equipment, i.e., the two gates closest to the equipment and located on Springside Avenue.

On behalf of the petitioner, Mr. Mark Layne, contract agent for T-Mobile, reviewed the drive test study which confirmed two coverage gaps, one of which was located south of 63rd Street (the one under discussion) and one gap north of 63rd Street. He further explained T-Mobile's intent was to seek out existing structures of height in the area and to install the antennas directly onto the existing light standard and co-locate on the existing pole but the light standards lacked sufficient structural integrity to mount the antennas.

Mr. Layne explained the lease between District 99 and T-Mobile specifies the design shown in the drawings submitted to the Plan Commission. Information was also available from Saber Towers, which addresses strength capacity and wind load. He believed the proposal was a positive for the Village because it meets the spirit of the ordinance, it provides wireless communication for the community, and is a source for non-tax based revenue for School District 99.

Mr. Matejczyk voiced concern about the voltage wherein Mr. Layne stated that the power is the standard residential service with 200 amps and is located underground. Furthermore, Mr. Matejczyk stated there was no information regarding structural calculations. In response, Mr. Layne explained because no original light standard drawings existed, T-Mobile decided to design a new structure to hold both the antenna and the lighting. The drawings within the packet are conceptual. The final designs will be submitted for a building permit and will include all structural drawings. Mr. Layne provided the commission with the Saber Towers structural information.

Asked if School District 99 was aware of the timeline, Mr. Layne stated there were limitations as to when construction could occur. If approved, he expects construction would start in January with no interruption to school activities. Asked if the lease was conditioned upon any approvals received, Mr. Layne confirmed positively. Mr. Webster questioned the protection above the equipment, wherein Mr. Layne stated T-Mobile was considering a series of ice bridges to place above the equipment. Per another question, he was not aware of any fires started in the equipment nor an antenna breaking apart. Maintenance of the equipment is approximately once a month and during off hours.

Asked if the petitioner was comfortable with a limitation in the form of a single-user with a height not to exceed 90 feet, Mr. Layne stated it would have to be discussed with the school district if T-Mobile was going to construct something taller than discussed. Chairman Jirik reiterated to the petitioner that any form of dispensation by the Plan Commission is usually very specific.

Chairman Jirik opened up the meeting to public comment.

Mr. Dean Bapes, 6476 Saratoga Avenue, stated his next-door neighbor secured a petition and received over 90 names objecting this proposal. He discussed the resident notification process and the fact that many times the residents feel they do not have a voice because petitions are already decided upon. Mr. Bapes voiced concern that the tower will impact home values and impose health effects upon the community. He noted only the school district and T-Mobile will benefit from the proposal. He hoped the Commission would consider the residents of the community.

Ms. Jill Martin, 6505 Wells, conveyed concern about setting a precedent with the single-user tower eventually becoming a multi-use tower and whether additional types of equipment would follow. While the FCC pre-empts health issues, Ms. Martin understood that the FCC did not pre-empt people's perceptions of the health issues. Regarding property values, she posed the question of whether any of the commissioners would want to live near a power generator or cell towers knowing the health issues possibly associated with it.

Ms. Kathy Strohm, 1700 Taylor, inquired why T-Mobile could not extend one of the existing standards at the nearby Meadowbrook Mall versus the proposed location. She too, had concerns about the equipment voltage. Mr. Popovich stated that the Meadowbrook Mall was not a feasible site due to its proximity to an existing tower near Interstate 355. Also, height restrictions were an issue since it was non-residential zoning district and separation distance had to exist between the residential area and the tower.

No further comments followed. Public comment was closed by the Chairman.

Chairman Jirik asked if the petitioner had further comments. Mr. Layne reiterated the positives of the proposal and called attention to the property value study that was enclosed in the commissioners' packets which reflected no impact. Mrs. Rabatah, in reviewing the three current towers and seeing the proposed tower will fit within the triangle, she queried what radius the new tower would serve and questioned Mr. Layne if T-Mobile considered retrofitting those three existing towers to increase the coverage radius. Mr. Layne responded that the T-Mobile's signal does not travel very far due to the density of the area. Additional questions followed on how T-Mobile would address the northern coverage gap.

Mr. Sanjay Jaisingani, 8550 W. Brynmar, Chicago, Illinois, engineer for the project, explained that the distance covered by the tower depends upon the height and terrain and the power which goes into the antenna. Coverage levels were explained along with frequency rates.

Regarding future sites to consider, Mr. Waechtler, encouraged the petitioner to look at industrial sites. Furthermore, the commissioners discussed the source of the charts and their accuracy, the location of the equipment being near the high school, and relying on the professionals who have done the work. Mr. Matejczyk noted the technology of T-Mobile was low and he expected that more tower requests would be forthcoming to this commission. Per a question regarding customer complaints and lack of coverage, Mr. Jaisingani added that customer complaint monitoring takes place on a daily basis because it is relevant to the coverage. He confirmed with Mr. Waechtler that complaints have been received for the area of discussion. Asked if the coverage area is affected by the number of calls, Mr. Jaisingani stated in certain technologies it is; however with T-Mobile it is not affected by the volume of calls. However, if the area is maximized out, then the service cannot be accessed. Mr. Matejczyk suggested increasing the safety factor in the structural process.

The chairman noted, for the record, staff's assessment relative to Section 28.1902. He stated staff was thorough in addressing the topic and agreed with staff's opinion that the standards have been met. Additionally, recalling the discussion with Mr. Bapes, he did direct Mr. Bapes to have a discussion with District 99 and also noted that any traffic issues should be addressed to Village's the Traffic & Parking Commission. The chairman confirmed the FCC pre-emption was explained; however, the chairman thought it was important to verify post-construction that compliance with the

frequency measurements have been achieved to assure compliance with the FCC. He stated that any future application of any matter, is judged solely on its sole merits and proceedings, and the commission provides no prejudice for or against any application by any applicant whatsoever.

Chairman Jirik also stated that the commission did discuss a condition about limiting the tower to a single user and 90 feet. Given the sensitive location, he agreed it was important for the commission to pay attention to the structural design/engineering due to the safety of the students, including any inspections used, to validate that the construction has been performed flawlessly and the construction has achieved the intent of the structural design.

WITH RESPECT TO FILE PC-10-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSED SPECIAL USE PROPOSED BY THE PETITIONER, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ENGINEERING PLANS PREPARED BY FULLERTON ENGINEERING CONSULTANTS, DATED MARCH 14, 2008 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES;**
- 2. THE PETITIONER SHALL INSTALL A FENCE OR BARRIER ON TOP OF THE EXISTING EQUIPMENT FENCE TO ENSURE THAT ACCESS TO THE EQUIPMENT CAN NOT BE OBTAINED BY GOING THROUGH THE BLEACHERS ABOVE; AND**
- 3. BEFORE THE ISSUANCE OF ANY BUILDING PERMITS, THE APPLICANT SHALL SUBMIT AN ENGINEER S COST ESTIMATE IN THE AMOUNT SUFFICIENT TO FUND ANY COSTS INCURRED BY THE VILLAGE DUE TO OWNER S FAILURE TO COMPLY WITH ALL CODES, ORDINANCES, RULES AND REGULATIONS OF THE MUNICIPAL CODE INCLUDING ANY REMOVAL OR RESTORATION WORK THAT THE VILLAGE MUST PERFORM ITSELF OR HAVE COMPLETED AS A CONSEQUENCE OF THE OWNER S FAILURE TO COMPLY WITH ALL PROVISIONS OF THE MUNICIPAL CODE. FOLLOWING THE APPROVAL OF SUCH COST ESTIMATE, THE APPLICANT SHALL ESTABLISH A SECURITY FUND IN THAT AMOUNT WITH THE VILLAGE, IN THE FORM OF AN UNCONDITIONAL LETTER OF CREDIT, SURETY BOND OR OTHER INSTRUMENT. THE LETTER OF CREDIT, SURETY BOND OR OTHER INSTRUMENT SHALL (I) PROVIDE THAT IT SHALL NOT BE CANCELED WITHOUT PRIOR NOTICE TO THE VILLAGE; AND (II) NOT REQUIRE THE CONSENT OF ANY OTHER PERSON OTHER THAN THE PROPER VILLAGE OFFICIAL PRIOR TO THE COLLECTION BY THE VILLAGE OF ANY AMOUNTS COVERED BY SAID LETTER OF CREDIT, SURETY BOND OR OTHER INSTRUMENT. THE SECURITY FUND SHALL BE CONTINUOUSLY MAINTAINED IN ACCORDANCE WITH THE ZONING ORDINANCE, SECTION 28.1307, AT OWNER'S SOLE COST AND EXPENSE.**

SECONDED BY MR. WEBSTER.

APPROVED 12/7/09

While he disagreed with Mr. Matejczyk's comments about leaving out specific verbiage as to equipment construction in the motion, Mr. Waechtler stated the Chairman's comments were appropriate and thought more specific construction verbiage should be included in the motion due to the equipment being built underneath bleachers where students would be sitting. Mr. Waechtler was satisfied that the Chairman's above comments would be clearly stated.

ROLL CALL:

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

NAY: MR. WAECHTLER

MOTION CARRIED. VOTE: 5-1

Mr. Waechtler explained he voted Nay because the two previous approvals for T-Mobile towers were installed in somewhat residential areas but the towers were in remote areas and not under bleacher stands. There was a safety concern about the equipment being near students, sport students, and sporting events. For credibility purposes, he suggested that outside consultants provide the studies. Under Section 28.1908 he believed Items A, B and C were not appropriate.

Chairman Jirik explained the next steps in the petition review process for the attendees.

(The commission took a break at approximately 9:05 p.m. and reconvened at about 9:15 p.m.)

PC-19-09 A petition seeking an Amendment to Chapter 28 of the Municipal Code – Zoning Ordinance Section 28.1500 Signs to amend the original monument sign regulations as they relate to shopping centers and automobile dealerships; Downers Grove Economic Development Corporation, Petitioner.

Chairman Jirik swore in those individuals who would be speaking on PC-19-09.

Director of Community Development, Tom Dabareiner, explained that the Downers Grove Economic Development Corporation ("DGEDC") is requesting a text amendment to Article 15 of the Zoning Ordinance pertaining to signage. Specifically, the DGEDC would like to permit free-standing signs that are 15 feet tall and 60 square feet on lots with a minimum frontage of 260 feet with a minimum of two-and-one-half acres. Also, the maximum square feet would be 300. Staff has reviewed the request and is recommending against it because there has not been much direction from the Village Council to aggressively change the ordinance. However, the Council is generally remains "open" to logical changes. Staff feels a gap does exist in the sign ordinance where larger, single-use properties could benefit from various types of signage, because they have similar characteristics as shopping centers, such as multiple access points, larger setbacks, etc.

Staff feels that the height can improve visibility and allow for some improvements to traffic safety along major arterial road corridors. However, there are some concerns that the request may be contrary to the goals of the original sign ordinance amendment, i.e., clutter, as well as possibly being too broad. Examples of the proposed amendment as compared to current compliant signage in the B-3 district, were depicted on the overhead to provide a sense of proportion to the commissioners and audience. Director Dabareiner then presented various depictions of signage for

frontages that are less than 100 feet (monument allowed 8 ft. tall, 24 sq. ft.); more than 100 feet (monument allowed 10 ft. tall, 36 sq. ft.); and then shopping center frontages more than 500 feet (monument allowed 15 ft tall, 60 sq. ft.) which clearly identifies a gap.

Therefore, staff is suggesting that the commission explore this gap for frontages of 260 feet with a two-and-one-half acre limit. A list of 60 properties positively affected by that suggestion were reviewed. However, because that figure was significant, staff decided to explore a limitation to the B-3 zoning district only, which reduced the figure to approximately 15 properties, which was manageable. An explanation followed on how the gap would be filled.

Commissioners had no comments at this point.

Mr. Greg Bedalov, President of the Downers Grove Economic Development Corporation (“DGEDC”), thanked staff for assisting the DGEDC with drafting the amendment. For the record, Mr. Bedalov stated the DGEDC has always supported and continues to support the spirit and intent of the Village’s sign ordinance. He explained the proposed amendment is in line with the spirit of the original ordinance. Regarding the shopping centers with greater than 500 linear feet of frontage on Ogden Avenue, Mr. Bedlov believed they qualified for two monument signs: each 15 feet tall and 60 sq. feet on either side of the monument. There is potential to have a 15 ft. tall monument sign with 60 sq. feet of signage every 135 feet, which requires multiple tenants.

Mr. Bedlov referenced his narrative letter meeting the standards for a text amendment and emphasized he was not seeking an increase in total signage since the 300 sq. feet was working. The amendment pertained to unique lot characteristics and the fact that the sign trend in the economy was reflecting “brands” versus individual businesses and more brand consolidations would be seen in the future, which was the reason why the DGEDC brought forth the request.

Asked if the DGEDC was seeing more businesses acknowledging that they have to become sign compliant by 2012, Mr. Bedalov stated his office receives three to four calls a month on the matter.

Mr. Beggs inquired as to the benefit of approving the proposal versus reviewing a special use permit for the 15 properties, wherein Mr. Bedalov stated for the businesses, it was a matter of the time and effort associated with the process. Mr. Beggs asked how this proposal would affect the 21 single-lot users listed in staff’s memo. After a more thorough explanation by the petitioner, Director Dabareiner further added that it was important to give the affected businesses a choice of placing their 300 sq. feet either on their building or on a smaller monument sign based on their own needs. Asked if the change could hurt adjacent businesses, Director Dabareiner ensured there would be enough setback from the side property lines so that visually there was no impact from the larger signs.

Chairman Jirik inquired as to staff’s rationale for including only the B-3 businesses into the proposal, wherein Director Dabareiner explained staff was trying to focus the change only to the busy roadways, i.e., Ogden Avenue and Butterfield Road. Staff believes the proposal would address these corridors and the type of businesses that are located in a B-3 District (regional retail/service-type business). The Chairman commented he supported staff’s recommendation but at the same time he did not have a strong reservation to opening up this proposal for all business districts. However, staff proceeded to review the differences between the various business districts, noting staff was more concerned about opening up the proposal to the other business districts because the

focus was on the corridors and highways. An explanation followed on how the 260 feet of frontage figure was determined.

Asked if the proposed amendment was going to allow any monument signs along the tollway to become larger, Director Dabareiner stated that the issue was completely separate and was not being addressed by the proposed text amendment and it would not change it either way. Mr. Bedalov also confirmed that the proposed amendment does not ask for any additional tollway signs and staff's memo does not seek the same either. Asked how many potential variations could come before this commission, Director Dabareiner could not predict.

Chairman Jirik opened up the matter to public comment.

Mr. Charles Lukas, 4840 Washington, stated he was on the Zoning Board of Appeals ("ZBA") for 22 years and referenced the petitioner's notification letter and some unusual language. He cited within staff's report verbiage about "larger signage preventing rear-end collisions" noting that when he was sitting on the ZBA years ago, he heard just the opposite, that larger signs were distracting and causing rear-end collisions. He also thought the proposed amendment would have come before the ZBA and not this commission. He found it disappointing that the DGEDC was the petitioner on this matter, commenting the current Zoning Ordinance Section 28.1500, Signs, was the result of an extensive study that was done to determine how the village's corridors were to look. He stated the appeal process could be used for individual requests. Mr. Lukas recommended that the commission adhere to the ZBA's procedures for a variance built into the sign ordinance. He requested that the commission not support the petitioner's request. Lastly, he stated to the DGEDC that if anyone comes to them stating they will not locate or relocate in the Village due to the sign ordinance, to convey to them to look at other options. They need to emphasize that DGEDC wants to bring in businesses that want to come to Downers Grove for the way Downers Grove looks and not for the type of signs they can get.

Mr. Martin Tully, 4808 Cornell Avenue, suggested that the commission make a positive recommendation on this text amendment with the conditions stated in staff's report. He discussed the extensive work that went into the 2005 draft of the Signage Ordinance but also stated that it was never intended to anticipate every situation that could arise and that there would be certain corridors/ parcels that would be challenging in the future and need modification. The sign ordinance was to be flexible. He found the petitioner to be appropriate in its request because it represented the economic community. More so, the request was addressing a gap that currently exists. His support for the proposal followed. While he acknowledged staff's support for the text amendment, he stated there was no policy direction from the village council. He stated the council wanted to hear from businesses in order for it to create policy and yet stay flexible so it could draw businesses to the community. He recommended that the commission forward a positive recommendation to the Village Council to discuss the matter.

Regarding Mr. Beggs' question about what identifies the gap other than the difference between two numbers, Mr. Tully explained there was the concern that special corridors exist and would need additional attention. As to the gaps, Mr. Tully stated they could have been discussed endlessly at that time, but something had to be adopted.

Mr. George Nicholaou, 4845 Highland Avenue, Downers Grove, came up and said he worked on the sign ordinance. He stated that no one at the time thought they wrote a perfect sign ordinance so

a five-year review was placed on it. He pointed out the benefits that have resulted from the sign ordinance process and the exorbitant amount of time that was spent on drafting the ordinance. He agreed the sign ordinance needed to be improved but stated the modification being reviewed tonight concerned him because it did not take into consideration how it will affect the other 50 to 60 individuals who have made the modifications. He raised concern about liability and he supported Mr. Lukas's comments about the goals of Downers Grove. He recommended that a greater job needs to be done to complete full due diligence. Mr. Nicholaus reviewed various signs around the Chicago-land area on the overhead projector and the signage that could be placed on the parcels. He encouraged the commission to forward the proposal with a negative vote.

There being no further comment, the Chairman closed the public participation.

Mr. Beggs stated that ordinances were always subject to change and he did not believe the village would be liable. He found there was no evidence to prove whether larger signs are distracting or not and had to rely upon staff's opinion. He believed it was important for this commission to advise the Village Council on the proposal. He supported the text amendment.

In general, Chairman Jirik, commented on how change occurs and he was around when the sign ordinance was being drafted. He agreed with the comments that the ordinance was a work in progress. However, he pointed out there is a balance between overloading the variance process and refining the ordinance to negate the need for the administrative work. As he saw it, the petition was a finer gradation between classes. Mr. Waechtler also agreed with the chairman's comments about the ordinance being a work in progress. To recommend a negative vote, Mr. Waechtler stated it did not necessarily end the process but gave the council an opportunity to discuss the matter further. However, he raised the point that in the end, when the economy improves, the village will have to ask itself how it wants to look to others, citing the Ogden Avenue Master Plan. He further stated it was a good attempt by staff and the Downers Grove Economic Development Corporation to resolve an issue. He asked the commissioners to think about those businesses who already tried to conform to the sign ordinance to improve their own image.

WITH RESPECT TO FILE PC-19-09, MR. BEGGS MADE A MOTION TO SEND A POSITIVE RECOMMENDATION REGARDING THE ABOVE PETITION TO THE VILLAGE COUNCIL INCLUDING THE FOLLOWING MODIFICATIONS AS OUTLINED IN STAFF REPORT:

- 1. IN SECTION 1501.02 (2) ADD A NEW SENTENCE, "SIGNS THAT ARE MORE THAN TEN (10) FEET IN HEIGHT AND GREATER THAN THIRTY-SIX (36) SQUARE FEET SHALL BE SETBACK AT LEAST 100 FEET FROM ANY ADJACENT ZONING LOT."**
- 2. IN SECTION 1501.02 (1) ADD "FOR PROPERTIES IN THE B-3 DISTRICT" AFTER "260+ (FT) AND LOT SIZE OF AT LEAST 2.5 ACRES."**

MR. WEBSTER SECONDED THE MOTION.

ROLL CALL:

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

APPROVED 12/7/09

NAY: MR. WAECHTLER

MOTION CARRIED. VOTE: 5-1

Mr. Waechtler explained he voted Nay due his above-mentioned comments and because he believed that if there was a hardship situation, there is a different commission that could review the case. He did not believe the process would be overloaded.

(On a side note, Mrs. Rabatah noted the track changes in the ordinance was confusing. She suggested that staff review the language and make it clearer what is being added and deleted.)

PC-23-09 A petition seeking a Special Use for a self-storage facility in the M-1 Light Manufacturing District for the property located at the southwest corner of Wisconsin and Katrine Avenues, commonly known as 2659 Wisconsin Avenue, Downers Grove, Illinois (PIN 08-12-303-008); James F. Russ, Jr. on behalf of Sievers and Stevens Construction, Petitioner; Downers Grove National Bank, Owner

Due to the potential of a conflict of interest, Mr. Beggs asked to be excused.

Chairman Jirik confirmed that this matter was continued from the previous month. He swore in those individuals who would be speaking on PC-23-09.

Village Planner, Mr. Damir Latinovic, described the petition as a request for a special use on a 3.9 acre lot at the southwest corner of Wisconsin and Katrine Avenues. The property is improved with a vacant one-story 43,732 -square foot office and warehouse building with two parking lots west and south of the building. The subject property is zoned M-1 Light Manufacturing and has similar-zoned properties to the north, west, and east. There is an unincorporated residential area immediately to the south of the subject property. The petitioner is seeking a special use for a self-storage facility. The self-storage facility would be located in the southern portion of the building with approximately 30,900-square feet. The remaining 12,832-square foot northern portion of the building would house the offices for Sievers and Stevens Construction Company. To date, the petitioner is not proposing any major improvements to the site but plans to improve the deteriorating west and south parking lots and provide 56 parking spaces for employees/customers with three handicapped spaces. The petitioner proposes to enclose the vehicle storage areas with an eight-foot high solid fence with two security access gates.

Mr. Latinovic explained the building will have an improved facade with two new towers at the two corners of the building. The building height will still be under 35 feet and comply with the zoning regulations. A new garage door is planned for the west side of the building to access storage units with vehicles and exit on the east side. Mr. Latinovic described the self-storage units will range between five and fifteen feet in both width and length with a maximum height of ten feet. Approximately 133 units are being proposed but could change depending upon demand.

Per staff, the proposed office and self-storage use is consistent with the intent of the Future Land Use Plan. The property is zoned M-1, Light Manufacturing District which includes a self-storage facility as a special use in the district. The proposal meets the requirements of Section 28.1010 of the Village's Zoning Ordinance, all bulk regulations, height requirements, and parking

requirements. Approximately 32% (minimum requirement is 15%) of the lot area will remain as green space.

Details followed on the eight-foot high fence for the outdoor storage area for vehicles. A loading dock on the east side will remain unchanged. A detention area is located on the east side of the property which the petitioner will be required to maintain.

The Fire Prevention Division of the Fire Department reviewed the proposed plans and will require the building to be fully sprinklered and include a full fire alarm and detection system in compliance with Village's standards.

Mr. Latinovic reported that he has received several phone calls from surrounding property owners inquiring about this petition. A call was received from an individual from the adjacent A-1 Storage facility, located west of the subject property. The concern was voiced that the proposed petition could have an adverse economic effect on their business.

In general, Mr. Latinovic stated that staff believes the standards for a special use have been met. The self-storage use is listed as an allowable special use in the district. The proposal will not be detrimental to the health, safety, morals, general welfare or property values in the vicinity. He cited the above-discussed reasons why the proposal should be considered, adding that as a condition of approval, the outdoor storage will have to be limited to parking of vehicles, recreational vehicles, and recreational equipment. Outdoor storage of other materials is not proposed nor permitted.

Based on the above findings Mr. Latinovic recommended that the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the three conditions listed in the staff report.

Questions followed on clarification of the eight-foot fence and its exact location at the rear property. Mr. Waechtler expressed concern about storage units becoming living quarters for individuals, citing a recent newspaper article. However, staff and others mentioned it would be a matter of enforcement.

Mr. Jim Russ, 4915 Main Street, Downers Grove, Attorney, representing the petitioner, Mr. Sievers, stated his client could not attend tonight's meeting. Mr. Russ explained the property's ownership history over the years. The condition of the existing building is deteriorating but his client plans to improve the building and relocate his current office to this location. Because there is excess office space at the proposed property, Mr. Russ stated there could be the potential for additional tenants in the office space portion.

Furthermore, Mr. Russ confirmed, again, that all Village and ordinance requirements are met and the facade will be updated. With this development, Mr. Russ stated his client plans to take 10% of the storage facility's rental profits and return it back to the community to various not-for-profit agencies. The south landscaping screening will remain due to the proximity of the residential district. In reviewing the proposal, Mr. Russ explained that the proposal does provide a benefit to the community and his client was aware of the adjacent facility. He feels there is a need for this type of facility in the community. He noted the storage facility portion is seeking the special use approval. Mr. Russ asked that the commission support the proposal.

APPROVED 12/7/09

Mr. Waechtler complimented Mr. Russ on providing his letter dated October 12, 2009, outlining the petition. He further queried Mr. Russ on the exterior details of the building and asked about the ground contamination from the former printing company. Mr. Russ stated his client was aware and investigating the same. Access in and out of the storage facility was clarified. Security was a concern raised by Mrs. Rabatah. The vehicles stored there will have to be licensed and titled.

Chairman Jirik opened up the meeting to public comment.

Ms. Patty Patenaude, 2701 Wisconsin Avenue, lives and works at the A-1 Storage Facility, 2701 Wisconsin Avenue. She is aware there has been chemical dumping on the property which has not been cleaned up. She voiced concern about the economic impact of the proposal on her business. Regarding the twelve proposed parking spaces on the west side of site, Ms. Patenaude stated the spaces about her retention pond and those spaces provide the only access to her pond for maintenance purposes. She stated there was a 10 ft. utility easement somewhere. Chairman Jirik and others questioned whether an easement or access agreement existed.

Chairman Jirik discussed that it was not customary for commission to enter into a land dispute between land owners. Mr. Latinovic stated the staff was not aware of this information and that the plat of survey only indicates a 10-foot utility easement, not an access easement, and paving with parking spaces does not present a conflict for access for utility companies. However, because this information has come to light, he stated staff will work with both property owners.

The chairman interjected and asked staff and Mr. Russ whether it would be beneficial to continue the matter to allow for more research, wherein Mr. Russ noted that his client had a contract to purchase the property, subject to the special use approval. Additionally, Mr. Russ stated he was not aware of any agreement between the two land owners for access to what was being discussed.

Mr. Bill Gill, 2333 Wisconsin Avenue, stated he is a board member of the LST Group, and has a similar type of storage facility on Wisconsin Avenue two blocks to the east. He, too, heard of a prior chemical spill that had not been cleaned up on the property. Chairman Jirik recommended contacting the EPA. He explained that the Village cannot get involved in environmental clean up of properties. This is solely the responsibility of the Illinois EPA.

There being no further comments, the public comment portion was closed.

Chairman Jirik confirmed the Special Use would authorize the self-storage activity for the site and set the site configuration, but the internal activity in the building would not be regulated by this body. That is regulated through code enforcement. Staff concurred.

WITH RESPECT TO FILE PC-23-09, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD TO THE VILLAGE COUNCIL A POSITIVE RECOMMENDATION REGARDING THE ABOVE SPECIAL USE PETITION WITH THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE SITE PLAN PREPARED BY INTECH CONSULTANTS, INC. DATED OCTOBER 8, 2009, PRELIMINARY CONCEPT ELEVATIONS PLAN PREPARED BY K. PETERSON ASSOCIATES DATED OCTOBER 5, 2009, GROUND FLOOR PLAN PREPARED**

APPROVED 12/7/09

BY K. PETERSON ASSOCIATES DATED OCTOBER 7, 2009 AND SELF STORAGE INSTALLATION PLAN PREPARED BY BETCO, INC. DATED SEPTEMBER 19, 2009 ATTACHED TO STAFF REPORT DATED NOVEMBER 2, 2009 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

- 2. THE OUTDOOR STORAGE SHALL BE LIMITED TO PARKING OF VEHICLES, RECREATIONAL VEHICLES AND RECREATIONAL EQUIPMENT, ALL OF WHICH TO BE IN OPERATIONAL CONDITION.**
- 3. THE EXISTING DRAINAGE CHARACTERISTICS ON THE PROPERTY SHALL BE PRESERVED DURING THE RECONSTRUCTION OF THE PARKING LOTS.**

SECONDED BY MRS. RABATAH

ROLL CALL:

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

NAY: NONE

ABSTAIN: MR. BEGGS

MOTION CARRIED. VOTE: 5-0-1 (Beggs abstains)

Staff could not confirm yet if there was a December meeting planned as the submittal deadline is November 11.

MR. WEBSTER MOVED TO ADJOURN THE MEETING. MRS. RABATAH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 11:37 P.M.

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

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

DECEMBER 7, 2009, 7:00 P.M.

Chairman Jirik called the December 7, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mrs. Hamernik, Mr. Matejczyk, Mr. Quirk (at 7:05 p.m.), Mrs. Rabatah, Mr. Waechtler Mr. Webster

ABSENT: None

STAFF PRESENT: Planning Manager Jeff O'Brien

VISITORS: Ray Shinkle, Insite RE, Inc.; Marge Earl, 4720 Florence Avenue

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

NOVEMBER 2, 2009 MEETING MINUTES - MR. WAECHTLER MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. WEBSTER. MOTION CARRIED BY VOICE VOTE OF 9-0.

An explanation of the meeting's protocol followed.

PC-22-09 A petition seeking Special Use approval for a telecommunications tower located on the east side of Fairview Avenue, at the southeast corner of the intersection of 40th Street and Fairview Avenue, commonly known as Whitlock Park, 4064 Cumnor Road, Downers Grove, IL (PIN 09-04-103-004); Ray Shinkle, Insite RE, Inc., as agent for Verizon Wireless, Petitioner, Downers Grove Park District, Owner

Chairman Jirik opened the public hearing and explained that the applicant was requesting a continuance to February 1, 2010. He asked Mr. O'Brien to provide some additional information.

Mr. O'Brien explained that the Village staff asked for some additional information from Verizon Wireless. Based on the staff's review, the applicant requested a continuance to the February 2010 Plan Commission meeting. He indicated staff was recommending the Plan Commission continue the hearing per the petitioner's request.

MR. WEBSTER MADE A MOTION TO CONTINUE THE PUBLIC HEARING FOR FILE PC 22-09 TO THE FEBRUARY 1, 2010 MEETING.

MRS. HAMERNIK SECONDED THE MOTION.

ROLL CALL:

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

NAY: NONE

MOTION CARRIED. VOTE: 9-0

Chairman Jirik explained no additional action would take place on this petition until February 1, 2010. He indicated that the Village attempted to notify residents of the change before the meeting. He asked Mr. O'Brien if there was any additional updates.

Mr. O'Brien explained there would be a January 4, 2010 meeting. He noted that Power Mart (at 2125 Ogden Avenue) was on the agenda for an extension on the timing of the Phase II redevelopment of their property. He reminded the Plan Commission that the original special use ordinance included several conditions that required the owner to submit plans with 12 months of approval and begin construction of Phase II two years after approval.

Mr. Waechtler asked if there would be an Annual Report in early 2010. Mr. O'Brien responded the report would likely be provided to the Commission in February. He indicated there is one 2009 case, the EDC's sign amendment, would be discussed by the Council in early January 2010.

Chairman Jirik thanked the Plan Commission members for their service and thoughtful comments throughout the year. He also thanked staff for their hard work preparing reports and other information for the Commission.

Mrs. Rabatah thanked the Chairman for his work in guiding the Commission through the year.

MRS. RABATAH MADE A MOTION ADJOURN THE MEETING. MR. COZZO SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 7:15 P.M.

/s/ Jeff O'Brien, AICP
Jeff O'Brien, AICP
Planning Manager