

APPROVED MINUTES

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

MINUTES FOR JULY 10, 2017

Chairman Rickard called the July 10, 2017 meeting of the Plan Commission to order at 7:02 p.m. and led in reciting the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Mr. Boyle, Ms. Hogstrom, Ms. Johnson, Mr. Kulovany, Ms. Rollins

ABSENT: Ms. Gassen, Mr. Maurer, Mr. Quirk, Ex. Officio members Davenport, Livorsi & Menninga

STAFF: Village Sr. Planner Rebecca Leitschuh
Village Planner Swati Pandey
Village Planner Scott Williams

VISITORS: Kent Conness, 1846 Grant St., Downers Grove
Scott Richards, 1130 Warren, Downers Grove
Joseph Fara, Thomas Buckley Architects, Hoffman Estates, IL 60195

APPROVAL OF MINUTES FOR JUNE 5, 2017 MEETING

Mr. Kulovany moved, seconded by Ms. Rollins, to approve the minutes for the June 5, 2017 Plan Commission meeting. All in favor. The Motion carried.

Chairman Rickard explained that after discussion on the two cases before the Plan Commission, the Commission will make a recommendation to the Village Council for their final decision. The Public Hearings for this meeting are for a zoning map amendment, and a special use permit. Chairman Rickard reviewed the procedures to be followed for the meeting, explaining that the Plan Commission is a recommending body. He asked anyone who intended to speak during the Public Hearings to rise and be sworn in.

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16-PLC-0059 Special Use Amendment & Zoning Map Amendment for an Automobile Dealership. Owner: Omar Dweydari, 1723 Ogden Ave., Downers Grove, IL 60515; Applicant: Thomas Buckley, PO Box 95624, Hoffman Estates, IL 60195

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Village Planner Swati Pandey explained the application was for an automobile dealership located at the southwest corner of Ogden Avenue and Lee Avenue. The property at 1723 is an existing automobile use, and the property located at 1731 Ogden Avenue has three vacant buildings on the site. Immediately south of the 1723 commercial building is another parcel which is vacant and zoned R-1. The property at 1723 Ogden Avenue was approved for redevelopment for an automobile dealership in 2016. The applicant is returning with a request to amend the Special Use to consolidate the vacant parcel and allow the expansion of the approved parking lot from 2016. The vacant parcel is zoned R-1 and the applicant is also requesting a zoning map amendment to rezone the vacant property to B-3, General Services and Highway Business.

Ms. Pandey displayed Plats of Survey for 1723 and 1731 Ogden, and a Plat for the vacant parcel. Prior to the issuance of any building permits, a lot consolidation will have to occur. A display of the Future Land Use Map shows the vacant parcel, which is classified, as commercial. The vacant parcels to the east and south are zoned R-1 and have been part of the Village's stormwater mitigation program. They would not be developed in the future.

Ms. Pandey then displayed two site plans, one of which was previously approved in 2016 and shows the proposed building and associated improvements to the parking lot. It excludes the vacant parcel on the southeast corner of the site. The second site plan is the proposed site plan for the property and shows the vacant area as part of the amendment, including parking as well as associated landscape plans. All other elements of the site design remain the same as were approved in 2016.

Ms. Pandey said that the east most curb cut on Ogden Avenue will be removed, and the one on Lee Avenue will be moved further south. She showed the commercial property to the west at 1815 Ogden. Traffic circulation on the site has been reviewed by Staff and approved. A representation of the parking area including customer parking along Lee Avenue, and employee parking on the west side of the site has been reviewed for compliance with the Zoning Ordinance based on all of the uses on the site.

The engineering site plan displays the buffer area showing the northern boundary that will be improved with a permeable parking lot and landscape islands. She noted that the Petitioner has been advised of the wetland mitigation plans and will mitigate any negative impact caused by the redevelopment. The Petitioner has also provided a landscape plan that meets all minimum open space requirements of the Zoning Ordinance along both Ogden Avenue and Lee Avenue,

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Photographs of the proposed building at 1723 Ogden Avenue depict improvements of the north façade with a new front and decorative overhang. Two columns are proposed for the east and west walls as anchors for the building. Signage proposed on the building will be reviewed at the time of permitting and is not part of the scope of the Special Use application. Elevation drawings are the same as submitted in 2016 with no changes proposed at this time.

The staff report packet contains the zoning analysis, which meets all the bulk requirements including open space, parking and photometrics. The application meets the goals of the Comprehensive Plan and the properties are identified as part of the Commercial Corridor reinvestment to improve the aesthetics and beautification of Ogden Avenue. There is a reduction in curb cuts proposed. The application also meets the zoning map amendment standards for approval. The existing vacant lot will remain vacant with minor encroachment to the wetland buffer area that is being developed in conjunction with the existing use to the north and consistent with the zoning of the nearby properties.

Ms. Pandey reviewed the Findings of Fact and the Special Use standards for approval criteria as shown in Staff's Report dated July 10, 2017, pages 5-7. The use is not detrimental to the public health, safety and welfare since the petitioner will be redeveloping a property with the same existing use, and the proposed development will be required to meet all applicable Village regulations including the Stormwater Ordinance

Based upon all of the findings Staff recommends that the Plan Commission make a positive recommendation to the Village Council for the approval of the Special Use amendment and Zoning Map amendment applications for 1723 and 1731 Ogden Avenue, subject to the 13 conditions listed on pages 7-8 of Staff's report dated July 10, 2017, 16-PLC-0059, 1723 Ogden Avenue.

Ms. Johnson asked what the buffer zone does for the wetlands, and what percentage of the buffer zone will be converted. Ms. Pandey replied that generally for any runoff to go into the wetland, a buffer zone is provided to filter out any type of debris going into the wetland. These are reviewed by wetland specialists, which will occur at the time of permitting. The improvements are not quantified by land area percentages. It is a water quality issue that the specialists will review. The applicant will provide a plan to determine how much of an improvement they will be providing.

Ms. Leitschuh further responded that the Village has stormwater engineers internally who identify that particular element of the review; however, when it is a larger commercial project, it is contracted out by the Village to wetland specialists.

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In response to Mr. Kulovany, Ms. Pandey showed the area on the map where the wetlands are on the site. Mr. Kulovany asked how much of the wetland is on this property versus the property to the south. That information was not known.

Ms. Rollins asked what Condition #2 referenced. Ms. Pandey said the intent is to limit any loading or unloading of vehicles on Lee or Ogden Avenues, and the elimination of test-drives on Lee Avenue.

Ms. Hogstrom said in 2016 another condition was raised regarding the lighting and asked about the cut-off shields. Ms. Pandey replied that at the time of the 2016 meeting, they did not have specification sheets regarding the lighting. With this petition, the lighting has been included as part of the plan.

There being no further questions of Staff at this time, Chairman Rickard called upon the Petitioner to make its presentation.

Mr. Joseph Fara stated he was an associate of Thomas Buckley, the Petitioner, who was out of the country at this time. Mr. Fara said that the present plan is very similar to the one made before the Plan Commission in 2016. He said the building is the same, as are many other elements of the site, with the exception of the southeastern property. He provided some background on the property, which is 37,000 square feet in size in the northeastern section. The site was purchased in 2000, and Star Motor Works was established in 2001. Inventory was then sold to Luxury Motors, which eventually suspended their lease, and the current ownership took possession in 2007. In 2008 the dealership reopened as Motor Works, Inc., and in 2010 the name was changed to Star Motor Sales, as it remains today. Mr. Fara said that in 2015 owners purchased the adjacent properties to the west totaling about 94,000 square feet as part of the original proposal before the Plan Commission in 2016. Presently, the total square footage including the newly acquired vacant area is 187,641 square feet.

Mr. Fara explained that public hearings included expansion of the automobile dealership, stormwater, lighting, exterior elevations, traffic on Lee Avenue, truck-turning radii, parking and landscaping. The present application consolidates an additional vacant property currently zoned R-1. The Petitioner is requesting additional outdoor parking, as well as the items discussed in the previous submittal. The changes are site related, and do not affect floor plans, building façade, etc. It is independent from the 1644 Ogden Avenue proposal, although that site is under the same ownership. The operations will be distinctly separated and managed by their own team of employees. He then said that the dealership has about 182 parking spaces on site for customer, employee and inventory parking. The entire parking area will have eco-friendly permeable brick pavers, and there will be LED lighting

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added together with trees and shrubbery. He referenced the landscaping plan noting additional curbs, landscaping buffers, etc.

Regarding the floor plan, Mr. Fara said that it includes a service showroom and offices resulting in about 14,500 square feet of space. The service area size will remain unchanged. Access to service is on the south side of the building. The primary purpose of the expansion is to maximize the indoor space and protect their inventory as they have experienced vandalism and weather damage to their inventory. They will maintain a state-of-the-art indoor showroom. The current façade will be remodeled for curb appeal, and to include a new reception area. He explained that the service bay will be remodeled, and a new detail bay will be added to the corner of the building.

Mr. Fara explained that the photometric plan is being revised to maintain illumination along the perimeter of the site, with a 2.0 maximum illumination on the north, east and west sides. Lighting fixtures will be equipped with cut-off shields. Truck-turning radius plans are basically the same as previously submitted.

Ms. Leitschuh said that there are copies of the photometrics available in Staff's report.

Chairman Rickard asked whether the Petitioner is aware of the 13 conditions recommended by Staff and whether there are any comments or questions regarding them.

Mr. Omar Dweydari, 1723 Ogden Avenue, owner of the dealership, commented on Condition #3 of Staff's report. He has no objection to the "no right turn" signage on Lee Avenue; however, he does have an objection to test drives being limited to arterial streets as defined in the Comprehensive Plan, which include Ogden Avenue, Belmont Road, Warren Avenue and Main Street. Mr. Dweydari said that the dealership cannot be held liable if a customer test-drives on Lee Avenue. Their practice is to have a salesman accompany a customer on the test drive. However, on occasion when there is a couple driving a two-seater, the salesman cannot attend with them, and the customer will drive on roads not allowed, even though they have been given a map of which roads are allowed. If they take a side street, the dealership has no control over that. He has had situations where he has had to go to court on tickets received by customers who have not followed the map. He ended up having to pay the tickets. He said he spoke with Community Development Director Popovich explaining that he would like the Village to place signage on Lee Avenue stating, "no test driving" or "local traffic only." He cannot be held liable for what a customer does when a salesman is not present on the test drive. Mr. Dweydari said he would like to see that condition removed, as he does not believe he should be held responsible for something over which he has no control. He has no problem with the other conditions.

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Mr. Boyle asked what type of vehicles they sell, and what type of service they provide. Mr. Dweydari said they sell used cars, and have service for their own vehicles. Their service is not open to the public. They are keeping the same service and are expanding the detail area.

Mr. Boyle then referenced the photometric that was submitted saying the south portion looks to be zero foot-candles. He asked if that will be fenced off or secured in some way. Mr. Dweydari said they have deflectors to keep light from the residential area. The security problems are in the front and not the rear.

Mr. Boyle asked if they have considered extending the parking to the southwest area rather than near the buffer zone. Mr. Fara said that area was for circulation.

Mr. Anas Alkhatib of 5625 Middaugh Avenue, civil engineer for the site, showed on the buffer plan that they are diverting the overflow from one area to another area for drainage. They cannot move the buffer area, which is there to maintain the wetlands. By using permeable pavers they are improving the wetland area. They think this is a reasonable encroachment into the buffer for the location, due to the pavers. He said that this wetland is not high quality or sensitive to changes.

Chairman Rickard then clarified that the buffer area filters the water before it gets to the wetland area. Mr. Alkhatib said that was correct and it improves the situation to filter into the wetland from the buffer area.

Mr. Boyle asked what would prevent future expansion over the buffer. Mr. Alkhatib said they could not expand any further as it is wetland and the Ordinance would prohibit it.

Ms. Hogstrom noted that it is nice to hear they would be improving the quality of the vegetation that presently exists there.

Ms. Leitschuh said that there have been complaints from residents about other dealerships test-driving in the residential area. She said that the condition as specified in this petition is one that the Plan Commission can expect to see more of in future cases involving automobile dealerships.

Mr. Kulovany asked whether that will be by ordinance, or is a special use condition. Ms. Leitschuh said that once Council approves it is in effect an ordinance.

Chairman Rickard asked if this would be a requirement for all car dealerships and Ms. Leitschuh said it would be, and it would also be enforceable.

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Chairman Rickard then asked for clarification as to who gets the tickets. Ms. Leitschuh replied that at this time it is the dealership owner who gets the ticket. She explained that the majority of times the dealership has a salesperson in the car with the test driver.

Mr. Kulovany said that begs question as to whether the Village may be creating a situation where there is a moving violation based on the Special Use condition where the party who gets ticketed had nothing to do with the moving violation, as in the case of a two-seater car with no salesperson in the car. Ms. Leitschuh replied that from the complaints they have received from residents in the past, the Village has found that a salesperson has been present in the car. The violation tends to occur along the same streets and the residents are the source of documentation. She added that placing the condition on the special use is an attempt to protect the rights of the residents in the area surrounding the auto dealerships.

Chairman Rickard noted that this is the condition that was put in place a year ago when this came before the Plan Commission, and the Village Council approved it then with the same conditions as exist in this particular case.

There being no further comments from the Commission at this time, Chairman Rickard invited the public to comment.

1. Scott Richard of 1130 Warren Avenue said he lived at 1525 Ogden Avenue for twelve years. He said that car dealerships don't really abide by many of the Village's Ordinances. He wanted to remind the car dealers that there are ordinances in town about using the Village parkways as parking lots for their automobile inventory. He wants to see that dealerships are not able to use the parkways as parking lots, and he wants that law enforced. He said that he saw Ziegler had Jeeps on the parkway and they know they can get away with it.

2. Kent Conness of 1846 Grant Street said he thought the condition about not driving on Lee is a fine condition, and he asked whether Packey Webb is aware of this as they have a much larger dealership opening on Ogden. Ms. Leitschuh said she did not know. Mr. Conness said he's lived in the area for a long time and is concerned about stormwater and encroachment into the wetlands area. He noted that several houses on Lee were purchased by the Village for stormwater management, so the word "encroachment" is cause for concern. He doesn't like that they are allowing construction on wetlands. He also asked if they have a sales tax rebate agreement. Chairman Rickard said that was not the purview of the Plan Commission. Mr. Conness said another concern of his is light pollution, and said Staff should make sure the photometric plan is executed as it's shown on the application.

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Chairman Rickard said that the Village's stormwater engineers will review this to make sure it complies with the requirements.

There being no further comments, Chairman Rickard asked the Petitioner for any further comments.

Mr. Alkhatib said the existing property used to have access parking along the building. The proposed site plan improves the imperviousness of the site, creating less water than existed previously. They have planned for a very thick layer of stone to assure proper drainage, and Staff has reviewed their plan.

Mr. Fara said they are sensitive about light pollution, and their intent is to reduce light pollution. The lights will be pointing downward, and will be less reflective.

Mr. Dweydari commented about the test-driving on Lee Avenue, noting that none of his salesmen have been in a car with a customer on Lee Avenue. He said that if a salesperson is in the car when a violation occurs, he will take responsibility for the ticket; however, if a customer is alone, he will not be responsible for the ticket. He would like to see signage placed on Lee Avenue, and if absolutely necessary he will pay for that signage himself. Ogden Avenue is filled with auto dealerships, and when a resident sees a green license plate it does not mean it is Star Motors. Star Motors does not sell Nissan products. To add to the problem, there will be four other dealerships near his dealership. He has no control over what a driver does when a salesman from Star Motors is not in the car with the driver. If his salesman is present, Mr. Dweydari said he will assume responsibility for the ticket.

Mr. Kulovany asked what soil is under the parking area, and Mr. Alkhatib said it is clay.

Ms. Hogstrom asked Mr. Dweydari what occurs when a customer takes a car out on their own and has an accident. Mr. Dweydari said their own insurance will cover the accident; however, if his salesperson is present with them, then the dealerships insurance would cover the accident. He noted that a customer without his own insurance is not allowed to test drive a car. If a customer wants to take a car out overnight, they have to fill out a form for liability. He explained that every customer who comes in and test drives a car has their driving information recorded.

There being no further comments, Chairman Rickard closed the Public Hearing at 8:13 PM, and opened the floor to discussion from the Plan Commission members.

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Ms. Johnson asked Staff about submitting a wetland mitigation plan and whether it is part of the permitting process since it's not mentioned in the conditions. Ms. Leitschuh replied that it is part of standard permitting.

Mr. Kulovany said that he believes this petition meets the requirements and is a great improvement to the site. It meets the Comprehensive Plan. Replacing two feet of clay with gravel is a definite improvement as well. He is concerned about forcing a third party to pay for someone else's moving violation. He recommended adding the words "Shall use all reasonable efforts to ensure that" prior to the beginning of Condition #3 on page 7 of Staff's report.

Chairman Rickard asked whether Staff has an opinion about that condition. Ms. Leitschuh said she doesn't know about other dealerships. She said when this information goes to the Village Council they will know that the Plan Commission sees these issues as requiring further review.

Chairman Rickard said if every dealer is being told the same thing then he has no problem with it. Ms. Leitschuh said that over the last two years this has been put into the conditions of petitions during that period; however, it is not retroactive.

Ms. Johnson said if Staff is recommending this condition, she thinks Staff should be notifying other dealerships about this condition.

Ms. Leitschuh said that car dealerships are now permitted as a Special Use, and this is the tool that the Planning Staff is using.

Chairman Rickard questioned whether there is consideration for the Village Council to regulate this by making it a Village Ordinance. Ms. Leitschuh said that the Plan Commission can bring that to Council's attention.

Mr. Kulovany commented that if there is a violation of the Special Use by test drivers, the Village can pull the Special Use for the dealership for something that the dealership has no control over.

Ms. Rollins said that she likes the idea of other options such as placing more signage on the side roads where test drives are prohibited. Ms. Johnson asked where the signage would be placed, because a driver could enter at any point on Lee and not be aware of the signage.

Chairman Rickard asked whether it is a violation for someone to test drive down Warren Avenue and then turn up Lee to return to the lot. Ms. Leitschuh replied that you cannot test drive a car on anything less than an arterial street anywhere in the Village.

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Mr. Kulovany moved to forward a positive recommendation to the Village Council for case 17-PLC-0059 subject to the 13 conditions in Staff's report, and amending Condition #3 by adding the words "Shall use all reasonable efforts to ensure that" to the beginning of that condition. Ms. Rollins seconded that Motion. All in favor. The Motion carried unanimously.

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16-PLC-0060: Special Use for an Automobile Dealership located at 1644 Ogden Avenue. Owner: Prestige Classics II, LLC, 8300 Clynderven Road, Burr Ridge, IL 60527; Applicant: Louis Kanjo, 1121 Parkwood Avenue, Park Ridge, IL 60068.

Scott Williams, Planner for the Village of Downers Grove, explained that the applicant is proposing renovation of the 8,669 square foot commercial building located between Lee and Downers Avenue. The property is zoned B-3 General Services and Highway Business and is currently unoccupied.

He described the surrounding zoning. There is one curb cut onto Ogden Avenue. He referenced the Plat of Survey noting that the ingress/egress easement is shared with the property to the west to access the rear parking area. The easement ranges in width from 10' to 15' as it goes toward the back of the property. Mr. Williams displayed photographs of the property with the existing building and paved area.

The Petitioner plans improvements to the rear portion of the property including replacement of the exiting chain-link fencing with a 6' tall solid fence separating the dealership property from the residential properties to the rear. Regarding landscaping, Mr. Williams said that the Petitioner will add approximately 314 square feet of open space on a space-restricted site caused by the existing building. They intend to add a few trees in the right-of-way.

There will be no outdoor display of automobile inventory as the cars sold will be convertibles and remain in the building. The petitioner is providing 18 parking spaces where 15 are required, and any future signage will comply with the Village's Sign Ordinance. The photometric plan meets Code requirements and is well below the amount of lighting adjacent to the residential area.

Mr. Williams presented the elevation drawings that show an improvement to the street façade.

Mr. Williams said the proposal is consistent with the recently approved Comprehensive Plan. Based on the Findings of Fact for a Special Use, Staff

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recommends a positive recommendation by the Plan Commission to the Village Council, subject to Conditions 1-7 on Page 4 of Staff's report dated July 10, 2017, 16-PLC-0060, 1644 Ogden Avenue. He noted that Condition #6 relates to test-drives being limited to arterial streets as defined in the Comprehensive Plan.

There being no questions of Staff, Chairman Rickard called upon the Petitioner to make its presentation.

Mr. Louis Kanjo of 1121 Parkwood Avenue, Park Ridge, said he operated the World Class Motorcars dealership on Ogden Avenue at 1245 Ogden Avenue since 1999. They renovated that entire site a few years ago. He also partnered in the Saab dealership at 217 Ogden Avenue. Mr. Kanjo has been in the Downers Grove community for about 18 years, and he will be working and managing the dealership at 1644 Ogden Avenue on a daily basis. He said their plan will improve the existing building and façade for that commercial corridor. The access to Ogden Avenue will remain the same, and there will be a minimal loading/unloading of cars. He also said that the neighboring owner, Mr. Novak, was in attendance and was ok with the proposed use and the unloading plan.

Ms. Johnson asked if there is a contingency plan if Mr. Novak intends to sell his property in five years. Mr. Kanjo said they have no control over that. Most of the cars will be driven onto the property, and he emphasized that offloading cars onto Ogden Avenue will not occur.

Mr. Kanjo asked that the same verbiage be added to Condition #6 as was done to the earlier petition. He indicated that he does have a test drive agreement with customers, and he will add that agreement to the petition if the Village wants that. He understands that you cannot always control customers when they test drive. They want to be sure that the residents are comfortable with their dealership, and he wants to maintain a good relationship with them.

There being no comments or questions from the public, Chairman Rickard closed the public hearing.

Ms. Johnson said she doesn't like the idea that offloading is contingent upon the neighbor; however, the petitioner has stated that the majority of the cars will be driven in. She doesn't think it's wise to make it contingent upon the neighbor.

Ms. Hogstrom said she sees this as an improvement of what is there and she would have no problem supporting this.

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Mr. Kulovany moved to forward a positive recommendation to the Village Council for case 16-PLC-0060 subject to the 7 conditions in Staff's report, amending Condition #6 3 by adding the words "Shall use all reasonable efforts to ensure that" to the beginning of that condition.

Ms. Johnson seconded that Motion.

All in favor. The Motion carried unanimously.

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Ms. Leitschuh reminded the members that the next meeting on the Comprehensive Plan update will take place on July 24, 2017. She asked that if any members are unable to attend to notify Staff. If there isn't a quorum available Staff will have to reschedule.

There being no further questions or comments, Chairman Rickard called for a Motion to Adjourn.

Mr. Boyle moved, seconded by Ms. Hogstrom, to adjourn the meeting.

All in favor. The Motion carried.

Chairman Rickard adjourned the meeting at 8:59 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary