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VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

FEBRUARY 6, 2017, 7:00 P.M.

Chairman Rickard called the February 6, 2017 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Rickard, Mr. Boyle, Ms. Gassen, Ms. Hogstrom, Ms. Johnson, Mr. Maurer, Mr. Quirk

**ABSENT:** Ex-Officios Davenport, Livorsi, Menninga

**STAFF:** Senior Planner Rebecca Leitschuh and Planner Swati Pandey

**VISITORS:** Please see Attachment A to Minutes (Sign-in Sheets, 5 pgs.)

**APPROVAL OF MINUTES**

**JANUARY 9, 2017 MINUTES – MOTION BY MS. GASSEN, SECONDED BY MS. HOGSTROM, TO APPROVE THE MINUTES AS PRESENTED. MOTION CARRIED BY VOICE VOTE OF 6-0-1. (MR QUIRK ABSTAINS.)**

The chairman explained the protocol for the meeting/public hearings noting comments will be limited to three (3) minutes due to the size of the crowd.

Chairman Rickard swore in those individuals that would be speaking on the following two (2) public hearings:

**PUBLIC HEARINGS**

**FILE 17-PLC-0001:** A petition seeking approval of a Planned Unit Development Amendment to allow the construction of a new medical office building. The property is currently zoned B-2 (General Retail Business). The property is located north of 75th Street, 715 feet west of the intersection of 75th Street and Dunham Road, commonly known as 1560 75<sup>th</sup> Street, Downers Grove, IL (PIN 09-30-201-013). MedExpress, Petitioner; GW Downers PH LLC, Owner.

Village Planner Pandey noted the location of the site and explained the petitioner's (MedExpress) request to approve a planned unit development (PUD) amendment to construct a new medical office building at the site, which was an out-lot of the Grove Shopping Center. The PUD crossed over various zoning districts including single-family subdivisions, multi-family subdivisions and

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commercial districts. The existing plat of survey was referenced on the overhead as well as the proposed site plan which included the outlot under consideration.

Proposed is a one-story, 5000 sq. foot medical building that includes 43 parking spaces, pedestrian connections, and a trash enclosure (northeast site). Also referenced was the proposed landscaping plan which met village compliance. Building facades/elevations for each of the four sides were shown. Two tower elements are proposed and all windows have awnings and canopies. Building perspectives of the site were also reflected.

Ms. Pandey reported the site plan and subdivision plan were in compliance with: the village's zoning ordinance, the current comprehensive plan, and the updated draft comprehensive plan, which called for the Grove Shopping Center to be a catalyst site and which encouraged future construction of mixed-use developments. The proposed medical use fit into that requirement. Continuing, Ms. Pandey reported the standards for approval for the PUD were met and in compliance with the PUD overlay district restrictions, as reported in staff's report.

Staff recommended that the Plan Commission forward a positive recommendation to the Village Council subject to the conditions listed on page 6 of staff's report.

For the petitioner MedExpress, Mr. Zack Appman, architect for the project, 1001 Consul Energy Drive, Canonsburg, PA, summarized the proposal again noting MedExpress is a walk-in doctor's office which treats non-emergency situations from 8:00 AM to 8:00 PM. The facility will not receive ambulatory services. A licensed physician will be on-site as well as nine (9) additional support medical professionals and administrative staff. About 30 patients are seen daily.

For the landscaping plan, Ms. Hogstrom requested that the burning bush (invasive species) be removed. She referenced a list of suggested changes she created and provided a copy to Mr. Appman.

Mr. Appman shared that the building's material will include fiber cement panels, fabric blue canopies; the entrance will have aluminum canopies projecting three feet. The existing building will be demolished.

Civil engineer, Mr. Jared Mahaffey, CESO, Inc., 2800 Corporate Exchange, #160, Columbus, Ohio, explained the site will increase pervious area so that more green space will exist and the building will connect into the existing storm system. He did not have any post-construction Best Management Practices proposed at this time.

Chairman Rickard invited the public to speak. No public comment was received. Chairman Rickard closed the public hearing on this case. Mr. Appman had no closing comment.

Commissioner comments included that there could be a need for the building as there were not many others in the area, and it would be a big benefit to the community. The request was straightforward. A motion was entertained.

**WITH RESPECT TO FILE 17-PLC-0001, MS. GASSEN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE**

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**VILLAGE COUNCIL FOR THE PLANNED UNIT DEVELOPMENT AMENDMENT  
SUBJECT TO THE FOLLOWING STAFF CONDITIONS:**

- 1. THE PLANNED UNIT DEVELOPMENT AMENDMENT SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; AND DRAWINGS PREPARED BY CESO, INC., DATED 1/27/2017, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES;**
- 2. THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM; AND**
- 3. ALL PROPOSED SIGNAGE MUST COMPLY WITH THE REQUIREMENTS OF THE ZONING ORDINANCE.**

**SECONDED BY QUIRK. ROLL CALL:**

**AYE: MS. GASSEN, MR. QUIRK, MR. BOYLE, MS. HOGSTROM, MS. JOHNSON,  
MR. MAURER, CHAIRPERSON RICKARD**

**NAY: NONE**

**MOTION PASSED. VOTE: 7-0**

**FILE 16-PLC-0062:** A petition seeking approval of a Planned Unit Development Amendment to construct a new convenience goods store, a Special Use for a drive-through facility, and a Plat of Subdivision. The property is currently zoned B-2 (General Retail Business) with a PUD overlay. The property is located at the southwest corner of 63<sup>rd</sup> Street & Woodward Avenue, commonly known as 2001 63<sup>rd</sup> Street, Downers Grove, IL (PINs 08-24-202-005, -008, -009; 08- 24-203-004). FL Cedar, LLC, Petitioner and Owner.

Village Planner Pandey summarized the petitioner was seeking approval for an amendment to PUD Nos. 1 and 8 to allow for the construction of a new Walgreen's store, a special use to allow a drive-through pharmacy, and a plat of subdivision in the Meadowbrook Shopping Mall. Under the village's zoning ordinance, Walgreen's was categorized as a convenience store and was a permitted use in the B-2 Business District. The one-story 15,000 sq. ft. building will be located at the corner of Woodward and 63<sup>rd</sup> Streets. Perspectives of the building were shown. Ms. Pandey explained that a portion of the parking lot will be reconfigured so that the building sits on its own parcel.

The proposed site plan was presented and staff referenced the location of the 66 parking spaces located east and west of the proposed building, noting the parking requirements were met. The drive-through pharmacy (located to west of building), screened trash area, loading areas, and pedestrian connection were pointed out. The landscape plan met the requirements for perimeter landscaping and for the interior parking lot. The stacking exhibit for the drive-thru was referenced and met village compliance. The drive aisles to the north and west of the proposed building were one-way for traffic maneuvering and safety. Elevations and perspectives were shown, noting a tower element to the building. The site improvement exhibit reflected that the main improvements will include the reconfiguration of the dual access off of 63<sup>rd</sup> Street into a three-quarters access for safety purposes. Also pointed out were the various facades of the building, the rear drive aisle, and additional landscaping in the front parking area. Further facade improvements also followed for Buildings A, B, and C.

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Details of the proposed plat of subdivision and cross-access easements were explained. Ms. Pandey reported the proposal met the village's current comprehensive plan as well as the updated draft comprehensive plan, which referred to the Meadowbrook Mall as a Catalyst site, i.e., a site for reinvestment and to open and expand the site's uses to commercial and to consider mixed-use development (given future market conditions). Standards for approval of the PUD were met, as were the standards for the special use. The proposal met the current and updated draft comprehensive plan and the draft PUD overlay district provisions as stated in staff's report.

Per the chairman's question, Ms. Pandey stated that renovating the facades of the other buildings was part of the request because PUDs request a petitioner "to go above and beyond" what a zoning ordinance would typically allow, and so the village was requiring the petitioner to add it to the PUD amendment as an enhancement and made it a requirement. Mr. Quirk raised specific concern about who made that decision. Ms. Leitschuh explained that while the village does not have design requirements in the village's ordinance, staff works with a developer through various input received from commissions, public comments, and staff to obtain information to use as a guide to assist the developer in coming up with improvements / enhancements to the PUD in order to meet the standards for approval. She pointed out the functional improvements and repairs being made to the site. Mr. Quirk believed there were two different subjects being discussed and should be treated separately.

Ms. Johnson asked staff to elaborate on the text of Section 4.030, Planned Unit Overlay District, as it relates to the overlay's intention to "accommodate development that may be difficult if not impossible to carry out under other applicable zoning district standards" and whether the statement was applicable to this petition, wherein Ms. Leitschuh explained the PUD was existing and because there were significant changes to the site (i.e., razing a building, revising site circulation, etc.), it was an amendment. The chairman also discussed same and added that the proposal was not a question of whether the building was viable somewhere else, but whether it was appropriate in this PUD. He confirmed it was not a new PUD and the question was whether was the change appropriate in this PUD and whether the standards for the special use were met.

For the benefit of the public attending, Ms. Hogstrom stated this was a Catalyst site and asked staff when the updated comprehensive plan would come before council, wherein Ms. Leitschuh did not have that date. However, this particular petition would come before council on March 7, 2017. She recommended that residents follow the village's web site.

Ms. Pandey continued by stating the proposal met the requirements of the subdivision ordinance and the zoning ordinance. Per Mr. Maurer's question, Ms. Leitschuh confirmed that with the plat of subdivision the petitioner could sell the Walgreen's parcel currently as a separate lot because it was an existing outlot. Lastly, Ms. Pandey stated staff did receive general public inquiries and two (2) letters were received and on the dais as part of the packet but were received after the agenda was finalized.

Petitioner, Mr. Mitchell Kahn with FL Cedar, LLC and as President/CEO of Front Line Real Estate, introduced his team. Mr. Kahn walked through the history of the property which was purchased out of a bankruptcy about three and one-half years ago. He explained his business purchases old shopping centers which are in disrepair and redevelops them to attract other tenants. Discussed were the improvements made to date and the small local tenants within the shopping mall. Per

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Mr. Kahn, two tenant meetings were held which supported the proposal, the facade renovations, the parking lot improvements and Walgreen's coming to the center.

Mr. Kahn estimated the improvements to the site would cost about \$2.M to \$2.5M and it would not look like a lifestyle center. However, the changes planned would make a dramatic difference to the tenants and the public coming to the site. Mr. Kahn clarified that when he met with staff over a two-month period he explained what improvements he wanted to make and staff was willing to work with him. Both sides offered suggestions. While he said he preferred to spend less money, he could not accomplish what he wanted for the site and to do what was best for the shopping center and the community. Continuing, Mr. Kahn said there will be under-canopy lighting, the posts will be uniform throughout the center, and the drainage under the posts will be repaired. The rear drive aisle will be repaired in general and include new speed bumps to deter speeding. New signage about private property will also be installed in the rear drive.

Regarding the proposed store, Mr. Kahn discussed that Walgreen's is very particular about its location and the only location it wanted to be on this parcel was at the corner being discussed. Because Walgreen's was converting those stores without drive-thrus to stores with drive-thrus, he said the current Walgreen's site on 63rd did not offer that and so he wanted to keep the Walgreen's store within the village using the proposed site. He believed the location was ideal.

Mr. Kahn reported on the large turnout of residents that showed up for a community meeting and in which two sets of issues were raised: 1) Roundheads (Pizza); and 2) traffic concerns for those residents north of the property. An additional traffic study was done due to that meeting. Mr. Kahn shared some background on the Roundheads restaurant stating that since his company purchased the shopping center, Roundheads had no lease and never had a lease since he owned the shopping center. Further information was shared on their meetings over the three plus years. Lastly, Mr. Kahn summarized that this project was about the community and the 35 retailers that worked hard to build their business that were looking forward to attracting more traffic and tenants.

Mr. John Bradchow (phonetic), Camburas & Theodore Ltd. Architects, confirmed that the materials being used for the Walgreen's building included EIFS with the bottom portion being cast stone. Asked why brick and stone materials were not being considered, Mr. Bradchow said the proposed materials reflected the more recent changes being made by Walgreens who wanted to implement their new style, the first prototype being in Downers Grove. The height of the cast stone would be approximately two feet around the entire building, wherein the chairman expressed concern about its durability.

Current occupancy rate was approximately 80% and it was anticipated to be 90% to 95% when completed. Mr. Kahn indicated that since the purchase of the center about 50% of the leases have been up for renewal and through negotiation many tenants have remained. Per a question, Mr. Kahn estimated 20% of the \$2.0M was for the parking lot. Mr. Quirk, however, said he did not find that what was being presented in the renderings would result in a marked visible change to the facade. Mr. Kahn described how the west side of the center would differ dramatically with some painting of brick to occur but that it would change the character of the shopping center.

Mr. Peter Zalenko, GZD Architecture in Chicago, discussed the design features that were added to some of the existing buildings -- a canopy, with a walkway on Building B; and updated band on Building C; replacement of the mansard roof with a straight facade and a new higher cornice.

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Mr. Kahn also added that the tenants wanted a better sign band for better visibility, which was why the parapets were being raised.

Regarding the proposed amendment to the plat of subdivision for three lots, Mr. Kahn explained there was the potential for an outlot west of the Walgreen's site but it would have to be evaluated once the Walgreen's was completed. Some questions followed on whether Walgreen's would have a non-competitive clause in its lease. Ms. Hogstrom referenced a vacant Walgreen's located at 75<sup>th</sup> and Lemont. She also noted that on the Walgreen's real estate website there was no mention that a Walgreen's had to be on a corner site. Mr. Kahn indicated the proposed location was "the only place here they will go" and added that just about every new store was located on a hard corner with a signalized light. Responding to Ms. Johnson's question, Mr. Kahn stated should Walgreen's decide not to go into the center, the \$2.0M worth of facade renovations/parking improvements would not occur. Asked if there were any plans for the Walgreens located at Belmont and 63<sup>rd</sup>, Mr. Kahn was not aware of a plan. Should the Walgreen's proposal not go through, Mr. Kahn envisioned his company would seek a similar alternative to make the shopping center work. Mr. Kahn indicated Roundheads was not disputing they had a lease at this time.

Chairman Rickard opened up public comment and reminded the public to restrict their comments to three minutes. He also reminded them of the three items that were being discussed/considered. For the public, however, Ms. Pandey summarized the standards that the commission considers for the special use permit and the PUD amendment.

Ms. Samantha Gill, 6937 Camden Rd., Downers Grove, stated she is part of the Roundheads family and provided a history of the Roundheads restaurant before it was Roundheads. She stated she was not opposed to Walgreen's coming in but asked to consider moving it 200 feet west of the proposed location, as Roundheads would like to remain part of the community.

Ms. Linda Gorsoti (phonetic), 10 Nadlehoffer Court, Woodridge, supported Roundheads and believed moving them 200 feet was reasonable, commenting that when the larger businesses come in and take more desirable locations from small businesses, the less chance the smaller businesses have to build the community and connect people. She asked to honor the above request.

Mr. David Able, 1128 63<sup>rd</sup> Street, Downers Grove, distributed copies of a petition (on-line and paper versions) and the comments that were created on behalf of Roundheads. He explained how the community rallied together to support Roundheads after the property owner sent out notices, basically forcing a family business to close its business for a drive-through Walgreen's. Mr. Able reported for the past three weeks, the petition received 2,228 on-line signatures, 772 on-line comments and 21 in-person signatures. He shared the supportive comments he received from patrons now living in Canada, Washington State, as well as local patrons who shared many memories at Roundheads.

Mr. John Hopkins, 7511 Brown Ave., Forest Park, distributed a packet of five different Walgreens locations not located on corners, stating there should not be a reason that the proposed Walgreen's could not be relocated 200 feet west of where it is being proposed and it made no sense to demolish a family-owned business. Walgreen's was not even present to offer any compromise.

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Mr. John Kuga (phonetic), 5912 Woodward, Downers Grove, summarized that it appeared the commission was voting on a little piece of the larger picture. (Both the chairman and Ms. Hogstrom briefly explain the village's comprehensive plan and a catalyst site.)

Ms. Katie Long, 1766 Springside Ave., Downers Grove stated she has been going to Roundheads for many years and supports small businesses. She asked the commission to "not allow this to happen." As for Standard E which states that it is a benefit to the residents and the public, as a homeowner who lives less than five miles from the location, she saw no added benefit to the proposal if she were to sell her home. Instead, she pointed out the large vacant building that stands at 63<sup>rd</sup> and Interstate 355 and believed that if Walgreens came in, then the existing Walgreens would sit vacant and now two large vacant buildings within less than five miles would exist. Additionally, the village would lose a small local family business. She pleaded to not have the proposal go through when there was a solution 200 feet west.

Ms. Jill Senert (phonetic) 810 Foxwood Blvd., #411, Lombard, asked the petitioner if Roundheads was the only lease rejected at the bankruptcy hearing when the other leases were renewed, or was it because the petitioner was in discussions with Walgreen's before the mall was purchased and was that the reason why the Roundheads lease was rejected and why he chose not to renew it? She pointed out that Mr. Kahn said if Walgreen's did not come in, then the \$2.0M improvements would not be done; however earlier in the presentation he stated that is what his company does -- fixes run-down shopping centers. She believed the standards were being met but there was nothing that exceeded them. Ms. Senert pointed out there were other pharmacies nearby-- CVS, Jewel, etc. -- but there were no sit-down restaurants in the area.

Ms. Christie Lyons, 535 Harding Ave., Glen Ellyn, works at Roundheads and read a letter (Attachment B to minutes) from one of Roundhead's loyal patrons (Douglas Dvorak), who could not be at the meeting. Mr. Dvorak, in his letter, asked that if Walgreen's were to take over the proposed site, what would happen to the current Walgreen's located at 63<sup>rd</sup> and Belmont, which he assumed would be no more than an eyesore. Mr. Dvorak cited other vacant buildings left by larger corporate businesses and stated that when larger corporations leave they leave behind a vacant blotch for homeowners to look at every day. He asked the commission to stop Walgreen's from taking over the Roundheads location.

Ms. Heiden, 228 Hampshire Lane, Bolingbrook, an employee of Roundheads since 2009, elaborated on the community activities and organizational sponsorships that Roundheads has been involved with over the years, which were many. Removing Roundheads away from Downers Grove "would be an injustice to this community."

Ms. Nicki Polaski, 6310 Tamamy Dr., Downers Grove, asked the commission where public comments, such as the ones being made, be directed. [Ms. Leitschuh indicated if a recommendation goes forward it will be on the March 7<sup>th</sup> Village Council agenda.] She did not find Mr. Kahn's behavior admirable since he picked up the shopping center at a low bankruptcy price with no intention except to use Walgreen's to do what a responsible person would do, and now was not going to do that. She stated that if Mr. Kahn could let the community keep its restaurant and work things out with Walgreens, she would be supportive as well as the others in the room.

Mr. William Franski, 7233 Springside, Downer Grove, viewed this matter as one side being a corporation / local government and on the other side a taxpaying business/entrepreneur, and the

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entrepreneur may be out of a business permanently. To him it reeked of possible antitrust which the consequences for some were very serious for those who lose. He asked the council to consider the matter with some legal advice. He stated he had three points of antitrust for the commissioners to review in closed session. (Attachment C to minutes)

Mr. Todd Kraus, 6108 Pershing Ave., Downers Grove, is a small business owner in the village and he met his business partner at Roundheads, which he considered an important community staple in the community. He expressed concern about vehicles speeding through his neighborhood on Woodward when they are sick and he also doubted that the traffic planners addressed the traffic that will be diverted from the current Walgreen's on Belmont to the proposed Walgreen's.

Mr. Terrence McGann, 1906 Sweet Brian Lane, Darien, believed Roundheads was the type of business that needs support for the community since the money spent there gets returned to the community. He asked what guaranty did the village have if Walgreen's decides that the revenue being sought is not enough and abandons the building? Mr. McGann raised the point that when Mr. Kahn gave his presentation he stated that from day one when he purchased the property he was looking to attract Walgreens. He suspected that any lease Roundheads entered into would have a contract clause that allowed for unilateral termination in the event Walgreens was interested. A month to month leased existed and Mr. McGann assumed Roundheads was paying its bills. McGann reiterated that he heard Mr. Kahn say he wanted to do what was right for the community and be proud. He stated the community was very proud of the current establishment and was not against development, but not at the sacrifice of an entity that many have patronized for many years.

Mr. Adam Marchuka (phonetic), 5725 Sherman Ave. and 6017 Sherman Ave., Downers Grove. shared his own example of the petitioner's proposed 80% occupancy figure, citing that 200 feet over, the petitioner could make up the extra \$20,000. The other issue Mr. Marchuka voiced was that the proposed Walgreen's would block Maxwell Beef and Familia's. He believed the parcel would be split into three lots and be sold individually, and, Walgreen's had a back-up plan to "get out of there." Lastly, he said he met most of his clients at Roundheads and it was a community landmark.

Mr. David Bowman, 1338 Purdue Ave., Naperville, described how Roundheads sponsors a number of athletic teams he is involved with. He said that 10% of the people in Downers Grove do not want Walgreens at the proposed location. He asked that when the commission makes its decision is it going to be a corporate giant or are they going to listen to the community that they represent?

Mr. Beth Svetich, 6750 Barrett St., Downers Grove, asked the commission to talk to Walgreens to see what they want, noting she was at the January 19, 2017 meeting and Walgreens representatives were not present there nor present today and there were several sites where Walgreen was not located on a corner. She recommended moving over 200 feet. It was a win-win situation for all.

Mr. Eric Martruka, 5725 Sherman Ave., Downers Grove, agreed with the comments being made and hoped more individuals would speak about other points. Regarding the traffic issue raised earlier, Mr. Matruka, having worked prior for the Downers Grove Township Highway Department, stated that Woodward Avenue was one of the less desirable streets to work on because it was unsafe.

Mr. Art Donner, 7548 Cambridge Rd., Darien, stated he was the former treasurer for the City of Darien and when he was on the council with the City of Darien, one always worried about the impact developments would have on local residents. He believed the proposed Walgreen's was

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“ugly” and looked like a warehouse. He questioned who would construct a \$600,000 house near it. He pointed out that representatives from Walgreen’s were not even present at the meeting. Furthermore, he commented on the small amount of revenue (\$6,000) generated from the current Walgreens in which the village only receives 10%. Mr. Donner discussed other costs associated with public safety, pedestrian traffic, and the repairs to the infrastructure. He asked that when the commission makes its decision to consider what is happening in the community. Lastly, he pointed out that Walgreens will also carry groceries and will knock out the current grocery store.

Mr. Ron Phillips, 6655 Blackstone Dr., Downers Grove, stated he patronized Roundheads with the various teams he coached along with his family and it was the type of establishment the community chose to patronize. Should Roundheads leave, he said the community would travel to another restaurant in another town. He believed the village had an obligation to take care of its resources such as this one, who want to set up business inside the village and not somewhere else.

Ms. Jordan O’Prandek (phonetic), 7632 Walnut, Woodridge, stated she was here to fight for her Roundheads family and has been working for them for the past five years. She discussed the closeness of the employees, their low turnover and shared her concerns if Roundhouse left.

Mr. John Hoekema, 727 Bluebird Drive, Bolingbrook, owns Friendly Stitches and is pastor of Horizon Community Church. He had been to Roundheads and enjoyed being there. However, having been a tenant in the center over the past four years, he agreed it needed to be improved and asked everyone to keep that in mind moving forward. He wished a compromise could be met.

Mr. Gordon Goodman, 5832 Middaugh, Downers Grove, stated he was involved with the siting of the Walgreen’s at 63<sup>rd</sup> and Main Streets which he was pleased to see did not work out. However, he believed the proposed site was better and a key component for the petitioner to renew the center. He also hoped Roundheads could stay within the center but explained the tradition in the village has been to allow property owners to design the proposals that come before the Plan Commission and then the Plan Commission evaluates them and decides to recommend them in the interest of the community. However, he said never in the past has the community assumed the authority to tell property owners what they should propose to do with their property. Mr. Goodman explained that if the commission recommended a rejection for the proposal and the village council concurred with that rejection then the developer would have to reconsider what he wanted to do with his property. He believed it was a good use for the property and hoped an arrangement could be made with Roundheads.

Mr. Kent Posmer, 1933 S. Loomis, Downers Grove, thanked the commissioners for their work in keeping the identify of the village and keeping it a family-friendly place. To him, the owners of Roundheads epitomized the family-friendly business in a community, commenting on the first time he and his family patronized the business on the day they relocated to Downers Grove. They have been going there ever since. He closed by stating he could not imagine the traffic situation being any better, seeing there were many children in the nearby neighborhood and safety was a concern on Woodward Avenue.

Mr. Lee Rider, 5807 Sherman, Downers Grove, voiced concerns about traffic since he resides on the north side of 63<sup>rd</sup> Street. He asked the commissions if there was a village code that required the property owner to improve his property even if the Walgreen’s proposal did not work out. Lastly, he discussed the Roundhouse family, stated there was no reason it had to leave and believed there

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should be a simple solution for everyone. Those in the audience were present to support the Roundhouse owners.

Mr. Rich Kulovaney, 6825 Camden Rd., Downers Grove, supported the proposal and reminded the public that the Plan Commission can only rule on the proposal meeting the requirements of the special use and PUD. It could not stand between a two separate private business owners in a private transaction. Mr. Kulovaney cited various examples and reiterated the commission had limited capability that they were legally chartered with, based on ordinances and Illinois State law, and which guidelines existed in the village's ordinance. He commented on his visits to the existing Walgreen's located on Belmont stating it was tough to access but a drive-through pharmacy at the proposed location would be a benefit. The other concern he had with the petition was that the public was misled to believe that Roundhouse was being forced out when it was actually given an opportunity to move within the shopping center, and those who patronize the business would walk and park another 100 to 200 feet and go to the restaurant, where "everybody could win."

Ms. Tara Phillips, 6655 Blackstone Dr., Downers Grove, asked to focus on the guidelines that have been met, i.e., betterment of the community, then asked to look specifically at 63<sup>rd</sup> and Cass Avenue where most of the small businesses there closed. She stated that if Roundheads did not get to stay in its present building, it was still being asked to move and it would be 4,000 less people going to the Walgreens.

Mr. Ryan Navotne, 6761 Baird Street, lives a couple blocks away from Roundheads and whenever he passes the restaurant and Walgreen's he notices that Walgreen's is not doing very well and so he does not feel it will improve the new location. However, since the notices have been put up regarding Roundhouse, it has been very crowded. The community cared about the restaurant and did not necessarily need the Walgreen's. The nearby Target carried the same items as Walgreen's. Lastly, he stated the speed bumps were only going to be upgraded if Walgreen's was built.

(The chairman asked for a five minute break at 9:35 p.m.; the meeting reconvened at 9:45 p.m.)

Mr. Jim Derienzo, 2945 Forest Glen Pkwy., Woodridge, is a friend, customer and business partner with one of the food service companies that serves Roundheads. Mr. Derienzo discussed the success of this family-owned business, noting 50% of such businesses go out of business the first year and 80% by year 3. The fact that the owners were running the business for a very long time was a testament to the hard work and dedication that they have shown over years in their business acumen. It was unfortunate that it was coming down to where owners were going to lose something for making the right choice. He hoped a solution could be found.

Mr. Mike Cazzoni, 1834 Great Plains Way, Bolingbrook echoed the above comments but also called out something that was mentioned in the first petition and that was "this was something the community needs." Looking to the Walgreen's website, there were 12 Walgreen's within five miles of the intersection being discussed and 46 within 10 miles. He asked to take that into consideration.

Ms. Mary Tenneson, 7844 Woodward, Woodridge, stated she could walk from her home to four Walgreens. At 83<sup>rd</sup> and Lemont there was a CVS store. Regarding the comment the community needs this, she said nobody asked the residents if they needed the Walgreen's that she was aware. Her other concern was that there were no other sit-down restaurants in the area unless you

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considered Burger King or McDonalds. She believed the village, over the years, has turned away from what the residents were asking and now it was about the money.

Mr. Steven Wint (phonetic), a Lisle Township resident, asked how the village planned to reduce the turn lane off of 63<sup>rd</sup> Street onto Woodward Avenue. He asked to not approve the PUD amendment.

Mr. Martin Turic, 7233 Bateman St., Downers Grove, voiced concerns about changing the turn lane length which he believed could confuse drivers into thinking that drivers were turning down Woodward Avenue and causing rear-end accidents. The change went against the traffic calming ordinance. He also shared concerns about traffic congestion in the morning and evening when people were picking up their prescriptions and vehicles turning into traffic flow causing unsafe conditions because Walgreen's did not want to change its location in the center. Mr. Turic stated that the proposal is to place \$2.5M into the property if the commission will allow Walgreen's to locate there but he pointed out that the same \$2.5M could not even repair the parking lot. He supported leaving Roundheads in its presentation location, deny the PUD amendment (for safety purposes), and have Walgreen's move over 200 feet, keeping the community vibrant.

Mr. Jeff Gasper, 6925 Blue Flag Ave., Woodridge, expressed support for Roundheads but indicated that without Walgreen's being present he did not believe a decision on the proposal could be made tonight since outstanding questions existed which could be answered if Walgreens were present so that a better decision could be made. He recommended postponing a decision.

Mr. Charles Crimmins, 1733 Breasted Ave., Downers Grove, asked what was the benefit to the community as far as number of employees that will be employed and how it rolls through a community.

Mr. David Murrock, 508 Bunning, Downers Grove, a real estate broker, believes the parcel that is being subdivided will be a split-off and probably sold to an investor. He receives about 4 to 10 email listings a week on pharmacies, such as CVS or Walgreens, that are for sale, usually for sale between \$4M and \$6M.

Mr. Tim Garry, 5532 Washington St. Downers Grove, used to work in commercial leasing and the finance industry and used to be a retail bank manager. Adding to earlier comments, he stated that restaurants usually close within 1 to 2 years. He recalled the number of Walgreen that closed while Roundheads took over other locations in town and thrived. In fact, he would refer businesses to Roundheads because they "got the formula for successful restaurants."

Mr. John Lewensik, 2137 63<sup>rd</sup> Street, Downers Grove said he has been a tenant in the center for 23 years and has seen its decline. He stated the tenants there were looking forward to some form of revitalization and the center was part of the community. He almost left when the center went into foreclosure but then he met the new landlord who showed the tenants their plan. He stated the new owner has been responsive and he was very pleased. He believed the entire shopping center parcel was very large while the amount of area occupied by tenants was relatively small. He also believed the rents could command the types of rent that it would take to revitalize the center on its own and something would have to happen. He hoped a compromise could be worked out with Roundheads.

Hearing no further comments, the chairman closed the public hearing. He asked the petitioner to respond to the questions raised.

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Mr. Kahn indicated he had a list of Walgreen statistics that he thought was in the commissioners' packets but may not have been. He offered to provide that list and make it part of the packet. He estimated there would be 8 to 10 employees on-site during a shift and probably a total of 35 employees. He stated the traffic figures would not change because Walgreen's was only two blocks away, but the store design would change a little. As for the traffic patterns changing, Mr. Kahn stated he misunderstood a comment and clarified that no traffic lanes were being changed. Instead, they were being made safer because it was going from a full four-way intersection into a full way into the site but upon exit, drivers would be prohibited from making a left turn onto 63<sup>rd</sup> Street.

KLOA traffic consultant, Javier Millan, stated the speeding issue along Woodward Avenue was an enforcement issue. Traffic was not expected to increase in the relocation of Walgreen's from Belmont and 63<sup>rd</sup> to the proposed site because the traffic patterns were already established with a minor adjustment. Details were explained. Mr. Millan summarized the traffic counts that took place on a Saturday (from 12 pm to 2 pm during traffic peak) and on a Tuesday (from 7 am to 9 am and from 2:30 pm to 6 pm peak). Details followed, noting that traffic counts were increased by 2% to allow for any growth that could occur in the area and included both the current Walgreen's and the proposed Walgreen's with Roundhouse. The proposed location of the Walgreen's would have very limited impact to the area. He reviewed lane details.

Ms. Gassen confirmed with Mr. Kahn that no changes to the roadway were occurring, specifically when a driver is heading north on Woodworth towards 63<sup>rd</sup> Street. Mr. Kahn explained the only change would be the exit onto 63<sup>rd</sup> where it goes from a full right or left exit to a right-out only. Ms. Gassen asked that it be reflected correctly in the traffic exhibit.

Ms. Johnson pointed out how traffic patterns were actually being changed by forcing the patrons to turn right onto 63<sup>rd</sup> Street and whether there was concern about those patrons wanting to take Woodward north. She believed the petitioner was increasing the traffic pattern, whether enforced or not, heading north, wherein Mr. Kahn explained how he anticipated drivers to traverse the site taking Woodworth north and turning left at the light to head west, which was a simple action. Mr. Millan confirmed that traffic in the turn lane on Woodward did back up beyond the access drive at peak times, however, they were trying to make it safer for someone to turn at a signalized intersection as well as discourage traffic into the neighborhood north of 63<sup>rd</sup>. Mr. Kahn remarked the study reflected that traffic is not increased at all if there is some enforcement.

Ms. Leitschuh added that Woodward north of 63<sup>rd</sup> Street was a county road not enforced by the village, and 63<sup>rd</sup> by itself was a county road also.

Given the public discussion, Mr. Kahn emphasized that his company liked Roundheads as a tenant and wanted them to continue to exist within the shopping center and were willing to make a deal. It was not a judgment about who the tenants should or should not be or what the legal relationship is of those tenants. Legal facts were pointed out: Roundheads had no legal right to be on the property beyond a 30-day window; FL Cedar, LLC has allowed them to stay for three and one-half years because they wanted them to stay and work out a deal; and from day one, FL Cedar, LLC wanted to rehabilitate the shopping center and bring in business and new tenants and it had to be done in an economically feasible way which he believed had been done in a positive way.

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Per Mr. Quirk's question on how the petitioner planned to complete the site improvements before the certificate of occupancy was issued, Mr. Kahn explained the understanding he had with staff and said that once the commission approved the request, he would condition the approval on simultaneously doing the work. It was his understanding that it was a requirement of staff and the village board.

Mr. Quirk inquired about Mr. Kahn's commitment to improving the shopping center irregardless of securing the Walgreen's deal wherein Mr. Kahn stated he was committed to improving the shopping center but did not have the monetary funds to improve it to the level that was being proposed without Walgreen's or a similar business. He did have a signed lease with Walgreen's. Mr. Quirk raised concern that the commission was tying the approval of the proposal to Walgreen's occupying the building that is going to be constructed.

Discussion followed between some commissioners and Mr. Kahn on how the special use was meeting Standard No. 2, i.e., "that the use is necessary and desirable..." to which Mr. Kahn stated that a drive-through pharmacy in the community is important to the consumer; there were reasons why they exist and the public wanted them and used them. Again, he reminded the commission how he wanted to work with Roundheads; however, he stated that Roundheads lost in bankruptcy court over three years ago and they did not have a legal right to occupy the space whether Walgreen's came in or not,. It was important for the center to get to the rehabilitation stage to bring capital to the center. He did not believe this type of discussion was appropriate for the meeting. He also reminded that 35 other tenants existed in the shopping center who wanted the development to move forward.

Mr. Kahn thanked the commission for its time and attention on this matter and asked the commission to look at staff's conditions for the standards of approval for the PUD as well as the special use. He believed the proposal met the standards; staff stated the same, and those were the specific issues to be considered tonight.

The commissioners proceeded to discuss whether the proposal was a necessity, the fact that the shopping center needed help and bringing in such tenants allowed that improvement. However, Walgreen's was not invested in the community like Roundheads and Walgreen's was not present at the meeting, which would have been helpful. Other comments followed that it was unfortunate that in order for the deal to work, one of the most beloved pieces of the mall had to be demolished. Pointed out was the fact that while the petitioner was seeking the subdivision it was the special use to construct the drive-through and that other than the subdivision, the petitioner could construct the Walgreen's and forget the remaining improvements to the shopping center.

Mr. Maurer pointed out what the standard read "...the special use is necessary or desirable to provide a service or facility that is in the interest of public convenience," noting that was what the petitioner was doing – an example followed. Mr. Maurer further read text from the comprehensive plan reminding everyone of the commission's purview and that both plans recommended that "the village promote the modernization and/or redevelopment of the property..." Mr. Quirk proceeded to explain to the public what catalyst sites were and what the village's goal was with them. He did not believe that was occurring at this site. And, just because the proposed site was identified as a catalyst site, did not mean the commission nor the village had gone to every effort to ensure that the village has executed that. However, Mr. Quirk believed the petition met all of the requirements for

Approved

amending the PUD and the requirements to replat within their boundaries but was struggling with the special use only because he heard testimony that the drive-thru was not needed or desirable. Additional comments from the chairman included that the standards were being met but the difficulty was the displacement of a well respected business and he did not believe this matter was final because he believed it may prompt other conversations. Chairman Rickard hoped something could be worked out, noting the landlord was willing to work with the tenant. However, it was within the rights of the landlord, who had ownership of the property, to decide who they want to lease to, etc. to spur additional interest. He was not convinced it was the end for Roundheads.

Further conversation followed on the fact that the Plan Commission was not approving anything but was a recommending body and that conditions could be placed upon its recommendation.

Mr. Quirk said he wanted to see Condition No. 2 revised so that the site work and building work did not have to be completed simultaneously, wherein Ms. Leitschuh, explained that simultaneous was the intent of the condition. With that being said, the chairman added that there was many things that could be done to the Walgreen building to make it look nicer such as increasing the two-feet of EIFS off the ground, since the building would see heavy traffic; increasing the height (to 3 or 4 feet) of the hard surface material so that it makes the building more durable and last a longer time.

Ms. Gassen also agreed with the above comments and concerns, including the building's material being EIFS, from a durability standpoint. Asked if not having a Walgreen's representative present at the meeting was a concern, the chairman voiced it was not, since it was a common practice with large corporate businesses. Ms. Hogstrom expressed concern about the village having a number of vacant Walgreen's buildings in town. The chairman concurred. Mr. Maurer added that Walgreen's was removing its mid-block sites in order to relocate to corner locations in order to provide drive-through pharmacies.

Mr. Boyle shared his comments that the matter was a difficult situation and the Plan Commission was not being asked to consider the factors between a land owner and a lease situation. While the issue of public convenience was raised he agreed it was demonstrated tonight. Mr. Maurer asked that the exhibits/elevations reflect the correct information since EIFS was not stucco and was a different material.

The chairman entertained a motion.

**WITH RESPECT TO FILE 16-PLC-0062, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A NEGATIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF A PLANNED UNIT DEVELOPMENT AMENDMENT TO CONSTRUCT A NEW CONVENIENCE GOODS STORE, A SPECIAL USE FOR A DRIVE-THROUGH FACILITY, AND A PLAT OF SUBDIVISION, BASED ON THE FACT THAT IT DOES NOT MEET THE STANDARD FOR A SPECIAL USE AND IT IS NOT DESIREABLE OR NECESSARY AT THIS LOCATION.**

**SECONDED BY MS. HOGSTROM. ROLL CALL.**

**AYE: MR. QUIRK, MS. HOGSTROM, MR. BOYLE**

**NAY: MS. GASSEN, MS. JOHNSON, MR. MAURER, CHAIRMAN RICKARD**

**MOTION FAILED TO DENY THE PETITION. VOTE: 3-4**

Approved

**WITH RESPECT TO FILE 16-PLC-0062, MS. JOHNSON MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF A PLANNED UNIT DEVELOPMENT AMENDMENT TO CONSTRUCT A NEW CONVENIENCE GOODS STORE, A SPECIAL USE FOR A DRIVE-THROUGH FACILITY, AND A PLAT OF SUBDIVISION, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE PLANNED UNIT DEVELOPMENT, SPECIAL USE AND PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; AND DRAWINGS PREPARED BY MANHARD CONSULTING LTD, DATED 11/28/2016 AND RESUBMITTED ON 01/19/2017, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES;**
- 2. THE SITE IMPROVEMENT WORK AND BUILDING IMPROVEMENTS FOR THE PROPERTY MUST BE COMPLETED PER THE SITE IMPROVEMENT EXHIBIT, DATED 11/28/16, REVISED PLAN DATED 01/19/2017, PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR WALGREENS;**
- 3. THE WALGREENS BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM;**
- 4. A SEPARATE SIGN PERMIT WILL BE REQUIRED PRIOR TO INSTALLATION OF ANY WALL OR MONUMENT SIGN; AND**
- 5. THE PLANS/ELEVATIONS MUST CLEARLY REFLECT THE MATERIALS BEING USED ON THE BUILDING'S FACADES (IS IT STUCCO OR EIFS?) PRIOR TO VILLAGE COUNCIL MEETING.**

**SECONDED BY MS. GASSEN. ROLL CALL:**

**AYE: MS. JOHNSON, MS. GASSEN, MR. MAURER, MR. RICKARD**

**NAY: MR. BOYLE, MS. HOGSTROM, MR. QUIRK**

**MOTION PASSED. VOTE: 4-3**

**THE MEETING WAS ADJOURNED AT 10:50 P.M. ON MOTION BY MR. QUIRK, SECONDED BY MS. GASSEN. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.**

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