

APPROVED MAY 18, 2020

**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MINUTES  
MARCH 2, 2020**

**CALL TO ORDER:**

Ch. Rickard called the March 2, 2020 meeting of the Plan Commission to order at 7:00 p.m. and led in reciting the Pledge of Allegiance.

**ROLL CALL:**

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

**ABSENT:** Mr. Dmytryszyn, Ex. Officio Members Olczyk, Livorsi & Menninga

**A quorum was established.**

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

**STAFF:** Enza Petrarca, Village Attorney  
Stan Popovich, Community Development Director  
Jason Zawila, Planning Manager  
Flora Ramirez, Development Planner  
Gabby Baldassari, Development Planner

**VISITORS:** Robin Pinson, ETW Land LP  
Bill Elwood, CBRE  
Bill Bennett, Project Designer  
Michael Cassa, Downers Grove Economic Development Corporation

**APPROVAL OF MINUTES: February 3, 2020 meeting**

**Mr. Boyle made a motion, seconded by Ms. Johnson to approve the minutes from February 3, 2020.**

**The Motion to approve the minutes passed by Voice Vote.**

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

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

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

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

## **PUBLIC HEARINGS**

**20-PLC-0004: A petition seeking Special Use approval to establish an accessory use (parking lot) before the principal use is established. The property is currently zoned B-3, General Services and Highway Business. The property is located at the northeast corner of Finley Road and Branding Avenue, commonly known as 3131 Finley Road, Downers Grove, IL (PIN: 06-30-409-009). Robyn Pinson, Petitioner and ETW Land LP, Owner.**

### **Petitioner's Presentation:**

Robin Pensen, ETW Land LP, speaking on behalf of the ownership of the property, shares that they are trying to lease the building, and need to have enough parking for the building so that they are able to lease it.

Bill Elwood, Leasing Agent, says he will speak to non-technical aspects of the project. He stated he has experience leasing for existing notable tenants within Downers Grove. State Farm announced they would vacate Executive Towers West, and are now completely vacated from the site, leaving over 100,000 square feet vacant. Trends in the marketplace show that office tenants are seeking amenities such as covered parking, fitness centers, delis, and others. Density within office spaces is increasing, and this isn't an issue in an urban market such as Chicago, however increasing densities in offices in the suburbs means more parking is required. The suburbs must compete financially with offices that do not need to require parking. Parking ratios in these buildings were 3.2 spaces per 1000 square feet of building, but now tenants are seeking up to 5 spaces per 1000 square feet due to increased density.

Bill Elwood continued that when he saw that the restaurant and parking lot was listed on the market, he recognized that this could be a unique opportunity. The property could be

more effective as a parking lot than its previous purpose as a failed restaurant, and that the dense office workers brought in will have a positive impact on other local businesses. A parking deck would not be possible to be built because tenants would be displaced, and the cost of the deck would raise rents above market rate. This parking is required for the space to compete for occupancy. Other buildings may not be asking for this density because they do not cater to as high of density of users, this would not be a call center building. Mr. Elwood said he was available for questions.

Bill Bennett, Project Designer, shared that the parking for the north and west would remain parking, and a land bank along Finley Road would be turned into plantings rather than parking. A photometric study has been provided and complies with Village requirements. The proposal has maintained ADA requirements, and pedestrian access has been provided. There is a minor grade difference on the northeast corner of the site, due to having increased the impervious surface coverage, so the stormwater system has been improved. Mr. Bennett thanked staff for their time and shared that this design reflects the suggestions made by staff.

Ms. Majauskas asked for clarification that, at this point, there is not a plan to build another structure once the building is demolished. Ms. Pinson said this is correct. Ms. Majauskas further stated said there are other ways to get this parking than to come to the Plan Commission. She asked why they didn't just combine the two parcels if they were under the same ownership. Mr. Elwood said that this is not a plan for perpetuity, and that how people choose to get to work in ten years from now could be very different from how people get to work today. There could come a time when these parking ratios are not required for office users.

Ms. Majauskas said that she understands that the parking is required but that the ownership should have explored other options before coming to the Plan Commission. Maybe ownership would want to divide in a different way in ten years. This is a Special Use, this is a Variance, and when there are actions that fit the rule, they should be used. A small building could be kept on the property. She asked if the intent was not to build a building. Mr. Elwood said that this is correct, there is no plan to build another building. The space is needed for parking. In ten years, maybe that will change. Mr. Zawila clarified that this is not a Variance, and the review criteria are different from that of a Variance. Mr. Maurer asked for confirmation that there would not be another use proposed. Mr. Zawila said this was correct.

Ch. Rickard asked, in referencing the approval criteria for Special Uses, if there was no main use on the property, is the parking the main use? Mr. Zawila confirmed that parking is an approved Special Use in the zoning district.

Ch. Rickard said that this is similar to a recent case from Amazon, except that a building was proposed to be built after the approval of the parking lot. Ms. Majauskas said that case was different because the lots were not continuous so they could not have combined lots.

Mr. Boyle asked how many spaces were in the lot before and after the proposal. Mr. Elwood said there would be 240 new spaces added after construction of the new lot. Mr. Boyle asked if the building was considered impervious previously. Mr. Elwood said that it had not been attractive for restaurants. Mr. Bennett said that it had been considered impervious, and this was replaced by the impervious surface of the parking lot, but the land bank would increase the pervious area overall. The change overall is a reduction in impervious surface by 6000 square feet.

Mr. Maurer asked how many spaces they had existing, and with the spaces taken away with the addition of the land bank, how many there would be. Mr. Elwood said that 782 spaces existed, and with an addition of 250 spaces, the ratio would be 4.5 spaces per 1000 square feet. Ch. Rickard referenced the letter from the applicant that echoed these numbers.

Ms. Rollins asked about the second condition of approval, and commented that the time frame provided was not very long. Mr. Zawila said this would be addressed later.

Further discussion occurred on ADA parking spaces and compliance with the code. Mr. Boyle asked how many spaces were on the Rockwood Tap lot prior to the demolition. Mr. Bennet said there were about 170 spaces.

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

**Public Comment:**

Michael Cassa, Chairman and CEO of the Downers Grove Economic and Development Corporation, said that Downers Grove is a premier location for Class A office spaces. Downers Grove is known for having a diverse economy, and is known for its premier office buildings. Recently it has been established that the greatest threat to the office space is that as the trend of collaborative work spaces increases, old office buildings that were built with old parking ratios cannot be utilized effectively. These spaces are often land locked and cannot build new parking. This is not an issue in the city, so this makes locating in the suburbs difficult for these users. Locally, Downers Grove competes with Lisle, Naperville, and Oakbrook. In these competing communities, they have larger parking facilities for their Class A office structures. We do not want to be stopped from signing a major tenant because we do not have the parking.

Mr. Cassa continued that the parking needs to be under construction before a tenant can be found. The fact that ownership has spent millions acquiring this lot shows that they are committed to serving this building. About five years ago, the Rockwood Tap inquired about selling the space, but it was too far off of Butterfield for other restaurants to be interested in the location. Also, the site is too big for a restaurant. This is a good alternate use because it will allow the Village to be as competitive as possible by giving brokers the tools they need to continue to lease space in the Village.

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

**Staff Presentation:**

Flora Ramirez, Development Planner, said she is presenting an overview of the project at 3131 Finley Road, for a Special Use permit to establish the accessory use prior to establishing the principal use.

Ms. Ramirez referenced the screen where she showed a map of the property with the lot outlined. The 1400 Opus Place location, where additional parking would be added, was also outlined. Not only are these two separate parcels, but the parcel to the north is zoned B-3 while the parcel to the south is zoned O-R-M. Ms. Ramirez presented the existing conditions site plan, and explained what would be converted into parking. She showed the required landscaping medians and trees that would be added. Additional green space would be converted from parking spaces along Finley Road. On the north border, parking spaces would be shifted to the south as they are currently in the Village Right of Way.

Ms. Ramirez shared the Special Use approval criteria and said staff found all had been met. The first condition of approval imposed is routine and requires that the petitioner adhere to current codes and the most recent approved plan set, and the next condition has three parts. The first is that the parking lot should be constructed within six months of the ordinance approval date, the second is that if the parking lot is not serving a tenant within the 1400 Opus Place building within twelve months, then the entire lot needs to be converted to green space. The third part is that the council can extend the expiration period two times.

Ms. Ramirez asked if there were any questions for her.

Ch. Rickard noted that there were improvements being made in the area where the building was. Are any improvements being made to the existing part of the lot? Ms. Ramirez said that the existing stalls met the dimension requirements.

Ch. Rickard asked if landscape islands or other parking lot requirements were considered. Ms. Ramirez said that the existing area is not being changed. Ch. Rickard followed up asking if the part that remained would meet all requirements, had it been constructed today. Ms. Ramirez confirmed that the existing parking lot does not meet the existing standards.

Ms. Majauskas asked why the restrictions in the second condition existed because the minute someone parks there the condition has been met and also it is impossible to track. Also, why doesn't it say that if the 1400 Opus Place isn't using the parking lot then it reverts back to a building, because they call do all kinds of stuff with it once they use it for parking once. Mr. Zawila clarified that the first condition was meant to have the restaurant removed as quickly as possible, while the ownership seeks a new tenant,

rather than having the vacant space sit longer. The second condition says that either a new building be built or the space be returned to green space if there is no tenant within 12 months. The third offers them the opportunity to request additional time to seek a tenant.

There was further discussion on the draft conditions. Ms Majauskas said that after one minute of parking, Downers Grove loses control and the petitioner can do whatever they want with the parking lot. Why don't we just say that after Opus Place stops using the lot then we get the lot back. At this point once they use it, they are off the hook and can use the parking lot however they want. Mr. Zawila said that the commission can recommend changes to the conditions.

A discussion occurred regarding the specific wording of the condition, and whether or not the condition allowed the tenant to use the parking lot however they wanted after having used it for parking once. Ch. Rickard said that with the money invested, they would want to keep using it as a parking lot.

Additional discussion occurred about policing the conditions.

Mr. Boyle asked if the green space would be used for the office tenants to enjoy. Ms. Ramirez said she would defer to the petitioner regarding programming of the green space.

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

Ms. Pinson said they would be open to programming the green space. Ms. Pinson said that the need for the parking exists, and currently the office had a lower parking ratio. If acquiring the restaurant and filling it with a restaurant tenant would be more lucrative, they would have gone that route, but using it as parking is the best option.

Mr. Elwood clarified that the intent of using the parking lot is to occupy the lot with parking. They have already closed on the property. There is no other motivation than using this for parking. He explained that they would like to get a tenant right away, but it could take 12 months to 36 months, and that this is a typical timeline. They are trying to move as quickly as possible by being in front of the Plan Commission now. It is likely that the space will be filled with multiple tenants.

Ch. Rickard asked about the location of the ADA stalls. Mr. Zawila said staff would review and make sure this was up to code. Ch. Rickard asked if additional landscape islands could be added in the existing parking area. Mr. Elwood said this would cause them to lose parking and the intent is to increase parking. He added that the proposal will look better than what is out there today. Mr Bennett said that there is landscaping in the existing parking lot as well as new landscaping proposed.

Mr. Zawila said that there is only one row of existing parking that does not meet code. All rows of 20 or more spaces must be broken up with a landscape island according to the

Village code, and there is only one existing row that does not meet this requirement. Mr. Maurer asked if the existing trees were to remain or be replaced. The existing trees are larger than what would be planted if it were new. Mr. Zawila said they are remaining. Mr. Bennett said that the first row along Finley is green space. The parking stall islands will be maintained. On the west, the old curb and island will be part of green space, and the trees and islands at the end of each parking row will remain. The spaces in the Right of Way will be moved out of the Right of Way, so the landscape islands will be relocated accordingly.

Ch. Rickard said that it would only take minimal landscape islands to bring the existing lot into compliance. Mr. Bennett said that you need an island every 20 stalls, and this row is only 21 stalls. Commissioners agreed.

Ch. Rickard closed the public hearing.

### **Plan Commission Discussion:**

Ch. Rickard said he felt the conditions have been met and he has no problem with this petition, though he would like the location of the ADA spaces to be revisited.

Mr. Zawila said that this would be considered with the building permit and that the first Condition of Approval provided the flexibility to change the plans presented today to reflect codes.

Ms. Majauskas said she felt the petitioner is premature in the proposal. Maybe it is in the best interest of Downers Grove to keep the two parcels separate. She is ok with the use, but feels that the second condition of approval needs to be modified to say that if the parking lot is built within twelve months, and at all times is used only for 1400 Opus Place, if it ceases to be used for parking for Opus Place, then it reverts back to green space or a building is built. Also, she would be in favor of requiring the extra trees to be added.

Ch. Rickard said that this changes the intent that they can continue to keep the parking lot there if it is not occupied as long as it is still dedicated for that address. Mr. Boyle said the timeline would be effective to motivate the owner to get a tenant. Ms. Majauskas agreed.

Mr. Zawila suggested that the condition be updated to an "or" statement, if a parking lot is not constructed in six months, or a tenant is not secured within twelve months, or if the parking lot is no longer used for 1400 Opus Place, then the parking lot must be reverted to green space or a building built. Mr. Maurer said that the Village has the authority to step in if the parking lot is being used incorrectly. Ms. Majauskas said she did not want them to have the authority to go and sell the lot. Mr. Zawila said this would not be permitted, the parking lot is connected to 1400 Opus Place with this Special Use.

Mr. Maurer asked if six months enough time to build the parking lot is. Ch. Rickard mentioned that the petitioner did not object to this during their presentation.

**Plan Commission Recommendation:**

**Ms. Majauskas made a motion stating based on the petitioner’s submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for a Planned Unit Development as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 20-PLC-0004, subject to the following conditions:**

1. The proposed Special Uses shall substantially conform to the staff report, engineering plans prepared by Bleck, originally on January 23, 2020 and revised on February 14, 2020, and to the photometric plans prepared by KSA originally submitted on January 31, 2020, except as such plans may be modified to conform to the Village codes and ordinances.
2. The parking lot must be constructed within 6 months of passage of this ordinance. If within six months of passage of construction of the parking lot, or if the parking lot is no longer used for 1400 Opus Place, or if a tenant is not secured that will utilize the parking lot, a building must be built on the parking lot, or the parking lot removed and the entire site restored to green space. The Village Council is authorized to extend the expiration period for good cause on up to two separate occasions by up to one year each. Requests for extension must be submitted to the Community Development Director, and forwarded to the Village Council for final decision.

**Motion seconded by Ms. Rollins**

**AYES: Boyle, Johnson, Majauskas, Maurer, Patel, Rollins, Toth, Rickard**

**NAYS: none**

**The Motion passed**

Ch. Rickard called for a quick intermission and dismissed the petitioner should they choose to leave.

**OTHER BUSINESS**

**Plan Commission Training**

Mr. Zawila introduced the training session for Plan Commissioners. Enza Petrarca, Village Attorney, and Stan Popovich, Community Development Director, joined Mr. Zawila in providing a Plan Commission training course. Staff provided an overview of the zoning ordinance and the Village’s comprehensive plan. This was followed by an overview of the various application types the Plan Commission considers, including text amendments, map amendments, special uses and PUD request. The various standards were explained



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for each request in addition to related case law that pertain to Plan Commission hearings and requests the commission considers. With the final segment of the training staff provide an overview of procedures and recommendations that are made to the Village Board.

Ch. Rickard asked if the mailing notices that are sent out are optional. Mr. Popovich confirmed that mailing notices are a courtesy notice.

Ch. Rickard asked about the statement that the petitioner is able to cross examine members of the public who have spoken during public comment. He asked how this would work. Ms. Petrarca said that this is typically seen in the case of an expert bought by the neighborhood or interested parties.

Ch. Rickard asked for confirmation that this wouldn't be necessarily used for a resident who stood up to make comments. Ms. Petrarca agreed that it was possible but not necessarily the intent of this rule. She added that this would occur as part of the petitioner's final comment, not a separate section of the hearing. Mr. Popovich said that this would typically be used on someone claiming to be an expert in the field, like if a third party traffic engineer commented on the petition.

Mr. Boyle asked if most members of the public understand that the Plan Commission is not the final decision maker, and is there any point where the Plan Commission should not recommend a Special Use for approval? Ms. Petrarca said a general applicant might not understand these nuances. Mr. Popovich said there would need to be something extraordinarily different about a request as to why A is not permitted but B can be permitted. It would have to be something about that specific use in that specific location.

Mr. Boyle asked how their actions would be perceived, and if the conversation of the night would have been deemed unnecessary. Mr. Maurer said that it has been made clear that the Plan Commission is just a recommending body.

There being no further discussion, Ch. Rickard called for a Motion to adjourn. Mr. Boyle moved to adjourn the meeting, seconded by Ms. Majauskas.

The Motion carried unanimously by voice vote.

Respectfully submitted,

Community Development Staff  
(Transcribed from mp3 recording)