

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

APRIL 4, 2016, 7:00 P.M.

Chairman Rickard called the April 4, 2016 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. Cozzo, Ms. Gassen, Ms. Hogstrom, Ms. Johnson, Mr. Quirk, Mr. Thoman

ABSENT: Mr. Cronin, Mrs. Rabatah; ex-officios Mr. Livorsi, Ms. Lupesco, Mr. Menninga

STAFF: Community Development Director Stan Popovich, AICP, Village Planner Swati Pandey

VISITORS: Mr. Ernest Anderson, 1723 Janet St.; Downers Grove; Mr. Bob Long, 1864 Grant St., Downers Grove; Ms. Roberta & Mr. Skip Muelhaus, 1868 Grant St., Downers Grove; Mr. Tom Buckley, Architect, Hoffman Estates, Mr. Kent Conness, 1846 Grant St., Downers Grove; Mr. John Tully, 1756 Banchory Ct., Downers Grove; Mr. John Kohovek, 406 Lincoln Avenue, Downers Grove

APPROVAL OF MARCH 28, 2016 MINUTES – No minutes available.

PUBLIC HEARINGS:

Chairman Rickard explained the protocol for the public hearings and swore in those individuals that would be speaking on the petition listed below.

FILE 16-PLC-0010: A petition seeking approval of a Special Use to redevelop an automobile dealership. The property is zoned B-3, General Services and Highway Business. The property is located on Ogden Avenue at the southwest corner of Lee Avenue and Ogden Avenue, commonly known as 1723 & 1731 Ogden Avenue, Downers Grove, IL (PINs 09-06-304-015, -016, -017, & -041). Thomas Buckley, Petitioner and Omar Dweydari and Prestige Classic II, Owners.

Village Planner Ms. Swati Pandey summarized the petitioner's (Star Motors) request for a special use in the B-3 District for an automobile dealership at the location of Ogden and Lee Avenues. An entire revamp of the site was being proposed, along with an (administrative) consolidation of the properties to the west of the site. Photos of the site along with the site plan followed. Per Ms. Pandey, the petitioner was removing the two curb cuts closest to the intersection and was proposing a new curb cut along Lee Avenue. The curb cut west of the property, along Ogden Avenue, will be redesigned. A cross access was also being proposed with the property immediately

to the west. The current building was being expanded further to the west and a small addition was proposed for the southeast corner of the property. The parking surface will become permeable pavers and no impact is expected to the southern wetland area. Stormwater and engineering details would be addressed at the time of building permit application. The on-site parking display, customer parking, and employee parking were pointed out with Ms. Pandey noting that while 65 parking spaces were required, the petitioner was providing 152 spaces.

The landscaping plan was referenced, along with building elevations and the bulk standards, which were met. The redevelopment of the site met the goals of the village's Comprehensive Plan and the standards for the special use had been met. Ms. Pandey asked that the commission forward a positive recommendation to the village council, subject to staff's conditions in its report.

Mr. Thoman inquired as to the southern-most area behind the parking lot and whether there was the ability to construct an access road to Lee Avenue since one of the original goals to develop the Lee and Ogden property was to have egress access to Lee Avenue, followed by future development and a traffic light there. Director Popovich indicated the wetlands and proposed layout did not allow it and there was a separate owner that owned the cut-out parcel along Lee Avenue.

Chairman Rickard asked staff for clarification of Condition No. 6 to which Ms. Pandey explained that because there was no sidewalk access to the building for customers to use immediately adjacent to the building, this space can only be used for outdoor display and not be used for customer parking.

Asked if staff addressed lighting shields with the petitioner, Director Popovich indicated that the lighting would have to meet the village's zoning ordinance requirements and lighting would have to be projected down. Lighting was prohibited from shining directly onto neighbors' properties. Details followed. Ms. Gassen asked for clarification regarding the dimming of the lights thirty minutes after the business closed. Mr. Popovich responded that the lighting would have to be brought down to "security level" which was usually lower than regular lighting but the lighting would not be shut off completely.

Mr. Cozzo inquired of staff if any outside speakers would be used to make announcements wherein Dir. Popovich noted that was a question the petitioners could address. From a regulation standpoint, any speakers would have to meet village noise ordinance requirements. Asked if there were plans for the development of the vacant lot along Lee Avenue, Dir. Popovich responded that he was not aware of anything and that the area drained poorly in general.

Petitioner Tom Buckley, the architect for the project, was invited to speak and added that the current building sat at about 6,100 square feet. About 1,080 square feet would be removed and another 9,500 square feet added for a total building square footage of 14,500. Much of the new addition would be used to house the vehicles. Mr. Buckley explained that the cross-access to the west lot was an accommodation to the village as well as to IDOT and if the cross-access did not go in, he was fine with it. Regarding the lighting, he agreed the site abutted residential property but the property to the southeast, even though it was zoned Residential, was wetlands and unbuildable. The residential sites on the east were purchased by the village due to the flooding there.

Responding to a question on the Plat of Consolidation, Dir. Popovich indicated the "long finger" was a stormwater structure going out to the open space to the south of the parking lot. As to the

question of exterior speakers, Mr. Buckley stated there were no speakers planned. The dealership's hours of delivery would occur during operational hours which, as Mr. Buckley defined, would be Monday through Thursday, 9:00 AM to 8:00 PM; Friday, 9:00 AM to 7:00 PM; and Saturday, 9:00 AM to 6:00 PM. Loading/unloading of vehicles would take place on the property and not on Lee Avenue. Asked if the petitioner had considered using a level spreader-type water system (sheet flow) for the site, Mr. Buckley indicated he reviewed a variety of ways to handle the detention towards the wetlands.

Staff was then asked to briefly explain to the public the village's best management practices (BMP) for stormwater. Dir. Popovich provided details.

Chairman Rickard opened up the meeting to public comment.

Mr. Kent Conness, 1846 Grant Street, Downers Grove, distributed pictures for the commissioners to review. Referencing the village's purchase of the five homes on the east side of Lee Avenue, Mr. Conness found that unusual and believed a core principle of the village's stormwater management should not allow a development to channel water to a neighboring private property. While he appreciated the permeable pavers, he did not want any additional water flowing off the development to neighboring properties, unless it was public or village property.

Mr. Richard Kus, 1850 Grant Street, Downers Grove, a long-time neighbor of the development stated the area had been a lawn prior and not a natural wetlands as many thought. He believed the wetlands that formed were formed by the resurfacing/redevelopment of Ogden Avenue and the farm tiles were crushed by the redevelopment.

Mr. John Tully, 1757 Banchory Court, Downers Grove, was sworn in. He expressed concern about Lee Street being the test road for the 0 to 60 mph for Star Motors since the next stop sign was at Chicago Avenue. He voiced concern about loading/unloading of vehicles on Lee Street, safety for the nearby children, and shared a not-so-pleasant interaction with the dealership.

Mr. John Kohovek, 406 Lincoln Avenue, Downers Grove, asked the commissioners to address the lighting in the rear of the development so it did not affect the residents. He asked where the on-site loading/unloading area was and spoke about the current loading/unloading of vehicles taking place on Ogden Avenue. He agreed the wetlands were man-made, as mentioned above, and asked the commissioners to consider the overall area for future development.

Mr. Ernest Anderson, 1723 Janet Street, was sworn in and said he indirectly represents the residents north of Ogden Avenue. He voiced concern, in general, about semi-trucks and trailer transports traveling down residential streets in the area, specifically Janet and Lee Streets. Details followed. He recommended that the village install No Truck Traffic signage on the northern end of Ogden Avenue and change some of the weight limit signage also. He did not believe 55-foot trucks could ingress into or egress out from the site's parking lot.

Mr. Richard Kus, 1850 Grant Street, Downers Grove, returned and asked if the truck transports that park in the center left-turn lanes on Ogden Avenue were allowed.

Mr. Kent Conness, 1846 Grant Street, commented on the lighting that he was seeing late at night and was skeptical on how the village's ordinances worked. He reiterated his concerns about the "wetlands" also.

Mr. Skip Muelhaus, 1868 Grant Street, Downers Grove, reiterated the earlier comments about the unloading of vehicles on Ogden Avenue and was concerned about safety and speeding when the trucks park in the left lane.

Returning, Petitioner, Mr. Buckley, reminded the commissioners that he provided prior testimony that the truck transports would not park on Ogden or Lee Avenues but would be on-site with the proper radius turning and the drop/off area west of the building. The lighting would comply with the village's requirements. As far as the wetlands went, Mr. Buckley said the federal government designated the wetlands and there were very specific requirements that had to be met when dealing with wetlands. Lastly, he agreed there was an issue with speeding and the only thing that could be done was to educate the sales personnel, the owner, and the customers and to ask them not to speed.

Mr. Quirk asked if the petitioner "modeled" the transports turning into and unloading the vehicles on-site, wherein Mr. Buckley stated there were drawings included in the packet depicting the larger transport trucks. He also pointed out the fire department's requirements for safety. As a last comment, he agreed that stormwater management was an issue and appreciated the comments.

Chairman Rickard closed the public comment portion of the meeting and asked commissioners for their comments.

Ms. Gassen asked staff if there was anything the village could do to limit the trucks coming from the south on Lee Street. Dir. Popovich indicated a condition could be added to state "No Truck Traffic Southbound on Lee Street" as well as add a condition to restrict speeding on Lee Street.

Regarding Mr. Quirk's question for Condition No. 2, Mr. Popovich explained that the intent of Condition No. 2 was to not permit customer and truck parking and the sale of vehicles on Lee Avenue. It was not to limit the number of test drives. He stated the commission could place a condition in the recommendation to either limit test drives on north Lee Avenue to Ogden Avenue or to not allow test drives at all on Lee Avenue, if necessary. Mr. Quirk said he recalled only one case of a test drive going into a residential neighborhood over the past few years but that now it appeared to be a significant problem. He wanted it addressed.

Dir. Popovich explained that if the petitioner were found to be in violation of the conditions agreed upon, then the special use could be revoked. Asked if the village considered an automobile dealership's test drive to be an activity of the business, Dir. Popovich, believed it would be an activity of the business. As a recommendation to Condition No. 2, Mr. Thoman suggested that the condition be separated into two requirements: 1) address the business activity of test drives on Lee and 2) have Condition Nos. 3 and 4 address the loading/unloading of freight activity for the dealership specifically on Ogden Avenue and specifically on Lee Avenue.

Mr. Cozzo proceeded to revise staff's Condition No. 2 to read as follows: "No business activities, including test drives and customer parking, may be conducted south of the Lee Avenue curb cut," explaining that Condition Nos. 3 and 4 covered Ogden Avenue. Mr. Thoman concurred.

Discussion then circled back to the many trucks that make vehicle deliveries on Ogden Avenue and whether it was acceptable. Dir. Popovich indicated it was a constant village concern and when opportunities, such as this redevelopment occurred, it was an opportunity to locate the curb cuts so that trucks could ingress/egress on private property. Per the chairman's question about other dealerships having similar requirements as the one being proposed, Dir. Popovich explained that previously some dealerships were "by right" developments but that had since changed. Also, some developments did not have enough space to get truck transports on-site and it became a matter of business practice. Generally, Dir. Popovich mentioned that the village did receive complaints about other dealerships loading and unloading. He was not singling out Star Motors.

As a matter of practice, Mr. Cozzo made a recommendation to address the standards earlier rather than later in a discussion. He believed the three criteria for the special use standards were met and the standards under the zoning ordinance were also met, but questioned whether there was a compelling reason to deny the petition. He posed this question to the commissioners.

Ms. Johnson voiced concern about the one specific standard that dealt with water and questioned whether the development would be injurious to property values or improvements in the vicinity. Specifically, she believed the "dumping" of the stormwater into the vicinity could be detrimental to multiple properties that the owner did not own, i.e., the cut-out of the "L" shape property. She also expressed concern that the village could potentially be damaging future property developments. Mr. Thoman, shared the same concerns regarding Standard 2 and believed no future harm could be done to the five homes that were removed and no longer existed. However, with regard to Standard 3 and the development being injurious to the improvements in the vicinity, Mr. Thoman believed the development would not be injurious to present conditions, but could for long-term improvements, such as recommended by the village's comprehensive plan. He pointed out that one of the village's goals was to contain on the owner's property as much of the water run-off as possible.

The chairman also pointed out that current conditions were that the site was one hundred percent impervious and by removing it and adding the permeable pavers the water conditions would probably improve. Dir. Popovich provided square footage figures for the current impervious parking lot as compared to the proposed square footage of the permeable parking lot, noting the village's engineer did review the petitioner's plan to ensure that it met the village's stormwater ordinance.

After further dialog on the three standards, commissioners appeared to be in agreement that the standards were met but that additional conditions should be applied. As far as test drives and business activities on public streets, commissioners were comfortable with staff's recommendations in its report, including the additional language provided by Mr. Cozzo regarding no test drives south on Lee Street. Lastly, the chairman and other commissioners supported inserting language in the condition to require that light lamps be shielded, specifically for the southern portion of the site.

Ms. Johnson asked for comments on truck traffic traveling into the residential neighborhoods to the north since residents raised this issue. The chairman pointed out that load limit signs were installed currently and that current truck traffic for this site would probably not be traveling through the residential area but, instead, would be exiting the site onto Ogden Avenue and then heading east or west. Mr. Cozzo shared the same concerns but did not believe it was this commission's purview.

Dialog then returned to the stormwater issue again. It was noted the existing impervious parking lots are now going to have the ability to absorb the water with the permeable paver installation Mr. Quirk noted the petitioner cannot make the drainage on site worse than what was currently there and the proposal will meet the stormwater ordinance. Commissioners talked about the current water drainage for the parking lot as well as the stormwater detention easement along Lee Avenue, with the final comment coming from the chairman who pointed out that the engineering department did review this plan.

WITH RESPECT TO FILE 16-PLC-0010, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING NINE (9) CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; ENGINEERING, ARCHITECTURAL AND LANDSCAPE DRAWINGS PREPARED BY DAMAS CONSULTING GROUP DATED JANUARY 20, 2016 AND LAST REVISED ON MARCH 8, 2016 AND ARCHITECTURAL DRAWINGS PREPARED BY THOMAS BUCKLEY ARCHITECT DATED MARCH 21, 2016, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. NO BUSINESS ACTIVITIES, INCLUDING BUT NOT LIMITED TO CUSTOMER, EMPLOYEE OR SALE VEHICLE PARKING, MAY BE CONDUCTED ON LEE OR OGDEN AVENUES. NO TEST DRIVES MAY BE CONDUCTED ON LEE AVENUE NORTH OF OGDEN AVENUE OR LEE AVENUE SOUTH OF THE PROPERTY'S CURB CUT ONTO LEE AVENUE.**
- 3. ALL VEHICLE DELIVERIES MUST BE COMPLETED ON PRIVATE PROPERTY. VEHICLES MAY NOT BE DROPPED OFF OR PICKED UP ON EITHER OGDEN AVENUE OR LEE AVENUE.**
- 4. A "NO TRUCK RIGHT TURN" SIGN SHALL BE LOCATED AT THE LEE AVENUE CURB CUT. ALL COMMERCIAL TRUCK TRAFFIC SHALL BE PROHIBITED SOUTH OF THE SITE.**
- 5. A PEDESTRIAN CONNECTION MUST BE PROVIDED FROM THE TWO PUBLIC RIGHT-OF-WAYS TO THE MAIN BUILDING ENTRANCE IN CONFORMANCE WITH THE ZONING ORDINANCE.**
- 6. THE ROW OF PARKING ALONG THE EAST SIDE OF THE BUILDING SHALL BE RESERVED FOR OUTSIDE DISPLAY OF VEHICLES ONLY.**
- 7. THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.**
- 8. AN ADMINISTRATIVE LOT CONSOLIDATION SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE LOT CONSOLIDATION SHALL INCLUDE AN ACCESS EASEMENT FROM THE PROPERTY IMMEDIATELY WEST OF 1731 OGDEN AVENUE TO THE OGDEN AVENUE CURB CUT AND A 15-FOOT SANITARY EASEMENT ALONG THE WEST PROPERTY LINE PER THE DOWNERS GROVE SANITARY DISTRICT.**
- 9. ALL EXTERIOR LIGHTS SHALL BE EQUIPPED WITH CUT-OFF SHIELDS TO LIMIT THE AMOUNT OF LIGHT TRESPASS TOWARDS THE RESIDENTIAL ZONED PROPERTIES TO THE SOUTH.**

SECONDED BY MR. QUIRK. ROLL CALL:

AYE: MR. COZZO, MR. QUIRK, MS. GASSEN, MS. HOGSTROM, MS. JOHNSON, MR. THOMAN, CHAIRMAN RICKARD

APPROVED 5/2/16

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Dir. Popovich reviewed the petitions that had occurred over the past month and appreciated the commissioners' attendance. He announced that Planner Leitschuh had her baby. Also, the new Comprehensive Plan Committee would begin meeting this Wednesday, April 6th. Mr. Thoman and Ms. Hogstrom were on that committee and would provide monthly updates. The next Plan Commission meeting was set for May 2, 2016.

THE MEETING WAS ADJOURNED AT 9:00 P.M. ON MOTION BY MS. GASSEN, SECONDED BY MR. THOMAN. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)