

APPROVED MINUTES

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

MINUTES FOR JUNE 26, 2017

Chairman Rickard called the June 26, 2017 meeting of the Plan Commission to order at 7:02 p.m. and led in reciting the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Mr. Boyle, Ms. Gassen, Ms. Hogstrom, Mr. Kulovany, Mr. Maurer, Mr. Quirk, Ms. Rollins

ABSENT: Ms. Johnson, Ex. Officio members Davenport, Livorsi & Menninga

STAFF: Director of Community Development Stan Popovich
Village Sr. Planner Rebecca Leitschuh

VISITORS: Jim Wilkinson, 1125 Black Oak, Downers Grove
Scott Richards, 1130 Warren, Downers Grove

Chairman Rickard reviewed the procedures to be followed for the meeting, explaining that the Plan Commission is a recommending body. He noted that the Village of Downers Grove is the Petitioner for the public hearing on the Agenda. This Public Hearing will span a total of three meetings, and at the end of the third meeting the Plan Commission will make its recommendation to the Village Council. He asked anyone who intended to speak during the Public Hearing to rise and be sworn in.

PUBLIC HEARING

FILE 16-PLC-0019: The purpose of this request is to consider updates to the downtown development regulations. Village of Downers Grove, Petitioner.

Community Development Director Stan Popovich presented the framework for the downtown development regulations, noting that the Village previously approved the Comprehensive Plan over a series of many meetings. The Comprehensive Plan Committee (hereinafter "CPC") developed the regulatory framework in the beginning of 2017, and the Plan Commission is charged with reviewing, commenting on and making a recommendation to the Village Council on the regulatory framework as part of its review over the next three months. For those meetings, the Plan Commission will meet for a second session each month so as not to delay any other petitions brought before the Commission. Director Popovich reviewed the background on updating the Comprehensive Plan ("the Plan") and developing regulatory framework.

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Mr. Popovich explained the differences between the Plan, downtown regulatory framework, and the development of downtown regulations. The Plan is a long-range document, which is visionary. It is not legally binding, and in this particular case focuses on the downtown area including the physical, economic, social and environmental aspects of the downtown. Development regulations regulate day-to-day activities. Development ordinances are used on a daily basis to implement the visionary Comprehensive Plan. Once the Village Council approves the regulatory framework, which acts as a bridge between the regulations and Comprehensive Plan, Staff will draft regulations with the Village Attorney and present them to the Plan Commission for review and the Council for final consideration and approval.

The Village Council adopted the Plan on June 13, 2017 and it is the official policy of the Village with no proposed revisions. Mr. Popovich reviewed the membership of the CPC representing various boards and commissions of the Village. The Plan Commission will review the CPC's regulatory framework, and provide comments and recommendations to the Village Council. Finally the Village Council will review the CPC's regulatory framework, review the Plan Commission's comments and recommendations regarding the regulatory framework, and approve the regulatory framework, or direct either the Plan Commission or the CPC to make revisions to the framework.

Director Popovich reviewed the downtown Key Focus area, and key concepts related to that area. He reviewed materials included in the Plan Commission members' packets including the key concepts for the downtown focus areas, the downtown catalyst sites, and downtown functional subareas as to boundaries, etc.

Mr. Popovich referred to the downtown Core Area with an existing maximum height of 70 feet, and a proposed height of 40 feet or three stories. That would allow for a fifteen foot first floor and twelve feet for the other two stories. He said that the minimum height requirement was 32 feet and is proposed to be changed to 24 feet or two stories.

The existing Build-to zone is 0'-10' to the lot line with a proposed 5' setback area. There is no change to parking, and the minimum lot area per dwelling unit also has no change recommended.

Mr. Boyle asked how this works with zoning. Mr. Popovich replied that if approved, it would be a regulation. If a proposal for 41 feet in height were submitted, the petitioner would have to get a variance or change the plan. He said that the framework is first review to see if this is the way the Village would like to proceed.

Chairman Rickard noted this would affect what property owners in this area can do, and limits them to half of what they would be able to build. He asked whether they were notified by public notice or general notice about these proposed changes. He was surprised that some of those property owners were not present at the meeting. Mr. Popovich said this is published as framework, as it is not law at this point. It will be published to property owners later as a specific notification.

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Ms. Rollins asked whether there has been any feedback from business owners, and Mr. Popovich said they had feedback from owners at Forest and Warren.

In response to Mr. Quirk, Mr. Popovich said that the 800 square feet would allow 54 units per acre. If the Plan Commission sees this as an opportunity to provide for more density, then they should include that in their recommendation. With an 8,000 square foot lot, a developer could put in ten units. Mr. Quirk asked whether there is an opportunity to increase that size. Mr. Popovich said he would welcome that discussion if that were the direction the Plan Commission would want to pursue.

Mr. Popovich moved the discussion on to the Downtown Edge 1, which is the area immediately around the Core area, and would have a more urban setting around the downtown. The transition to the neighborhood areas and the Edge should be open green space and contain more open spaces. He referred to the area having a height of 70 feet with a proposal to increase it to 72 feet, or six stories in height. This would be a 12' floor. The minimum height is 32 feet with 24' proposed. He explained that there is no setback for existing properties at this time, with a proposed setback of 5' or 10% of the lot width. Properties on Main Street or immediately adjacent to the Core have no setback. The rear yard setback exists at 0' and is proposed to be 10' with additional setbacks for lots abutting a residential zoning district. He said that the Build-to-zone has no change, and no change in the parking. The Floor Area Ratio also shows no change. He noted that the minimum lot area per dwelling unit exists at 800 square feet with a proposed 3,000 square feet. Downtown Edge 1 also has a Build-to-zone of 10% at the front lot line for a 590' side lot.

Mr. Quirk asked about density again, and verified that it would be reduced. Mr. Popovich said that was correct. They are moving out from the Core providing a little more space. He thinks 800 is a good number. In further response to Mr. Quirk, Mr. Popovich said there is a comprehensive list of everything downtown that is multi-family and staff can provide that list to him. The Marquis on Maple has 54 units at 800 square feet with no request for increased density.

Ms. Gassen commented that the downtown Core isn't about density anymore. They are not encouraging more residential units in that area. Mr. Popovich replied that the Core discourages residential use on the first floor, and is limited in height. It can be residential on the above floors. Ms. Gassen said it would make sense to restrict the type of building in the Core.

Mr. Kulovany said he thought the essence was to let the downtown be more quaint and smaller with the largest density at Edge 1, and a reduction of the density as they got closer to residential neighborhoods. Mr. Popovich replied that was correct.

Chairman Rickard commented that he thought the minimum lot area for Downtown Edge 1 was something closer to 2,000 square feet while leaving the transition area alone. He doesn't know if that's the right number. It seems restrictive. The heightened area is where they're looking for the bulk of the density to go. Mr. Popovich said if you

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want to go to the amount of units based on the size of the lots, not a lot of the properties are as big as the Marquis site.

Mr. Kulovany asked whether they would consider the Marquis and Main and Maple higher density. He said it might be interesting to see what these developers have done in other communities.

Mr. Popovich then moved to the description for Downtown Edge 2, noting that the maximum height is 60-70 feet, with a proposed height of 60' or 5 stories. The minimum height for that area is 32 feet with no change proposed, since it is close to the transition area. The side yard existing setback varies from 0'-5' with 5'-10% of the lot width proposed. The rear yard setback is 0'-20' with 10' proposed. There is no change in parking, the FAR, or the minimum lot area per dwelling unit. There is also no build-to-zone in this area.

Regarding Downtown Transition, Mr. Popovich said that the existing maximum height is 35'-70', and is a mixture of multi-family, single-family residential, etc. The proposed height is for 36' or three stories. He showed the area map, saying the existing minimum height is 32', and there is no proposal to change the minimum height. The street yard setback proposed is to change to 10' from 0'-20'. The side yard is 5' with 5'/10% of the lot width proposed. There is no change in parking or the Floor Area Ratio.

Mr. Kulovany asked whether this is part of the Comprehensive Plan now. Mr. Popovich replied that it is the current map as it now stands. Mr. Kulovany then commented about bed and breakfasts and inns that would not compete with the downtown restaurants. He suggested adding those into the area. Mr. Popovich said the Commission could make that recommendation.

Regarding the Downtown Transition District, Mr. Popovich explained that the existing maximum height is 35'-70', with a proposed height of 36' or three stories. He showed the area map saying the minimum existing height is 32 feet. The proposed street yard setback is 10' from the existing 0'-20'. The side yard setback varies from 0'-5' with a proposal for a side yard of 5'/10% of the lot width. The rear yard setback proposal is for 10' from the 0'-20' existing. As for Core uses in the downtown, the ground floor would be an active space consisting of retail, entertainment, food service, while upper floors could be used as multi-family residential or office space. No residential uses would be permitted on the ground floor.

Downtown Edge 1 uses are commercial, retail, office, entertainment, service, restaurant and residential.

Downtown Edge 2 also includes commercial, retail, office use with residential single-family and multi-family permitted, as well as home occupations, institutional use, civic use, bed and breakfasts. He noted that staff would have to review the definitions of lodging, inn, hotel, etc., and how they could be worked into this area. Mr. Kulovany said that they would not be looking for something like a Hampton Inn to move into that area, which Mr. Popovich agreed was not the intention.

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Ms. Hogstrom noted that in the downtown transition, art galleries and studios are not permitted and she asked why they were excluded. Mr. Popovich replied that they were going to consider more residential uses there. If the Plan Commission feels it is not an intensive use, it could be put back in. Ms. Hogstrom said that she thought some group-type uses are perfect for a downtown transition.

Ms. Gassen asked why apartments/condos were transitioned, and Mr. Popovich responded that based on the direction of the Comprehensive Plan, if they were to meet all the bulk requirements, including parking, height and density, they would be permitted. The intent was to encourage redevelopment. Ms. Gassen said she understands the concern to meet all the requirements, however is a little bit unclear about second floor only apartments. Ms. Leitschuh asked what she was referring to. Mr. Kulovany replied she's referring to the second floor only as a mixed-use development. Mr. Popovich said the intention of the Core is not to have residential on the first floor. They want something commercial on the first floor that will attract traffic.

Mr. Kulovany suggested that the actual zoning wording would have to be a great deal more detailed.

Ms. Leitschuh commented that special uses should be assumed as allowed in that district. Staff would look at the evaluation that would go before the Plan Commission other than the actual result of that process. Chairman Rickard added it would be on a case-by-case basis depending upon what is surrounding it.

Discussing the Prospect and Rogers area, Mr. Popovich said there are some properties that are going to remain fairly close to the existing use, while others might be rezoned to a transition area.

Mr. Quirk asked about finite changes from the current zoning to the downtown transition. He said it looks as though the downtown transition will move into an R-4 district. He asked whether north of the tracks between Warren and Rogers, extending down to Prospect would be zoned as R-4. Mr. Popovich replied that the area between Prospect and Rogers would be removed from the transition area and changed to an R-6 zoning. Similarly adjacent to Immanuel Residences the idea was to stop the downtown transition and convert those homes back to a single-family home classification. There are some properties that will remain close to original zoning classification, while others may change to downtown transition. Once a framework is established they will have to do additional research on the individual lots.

Mr. Popovich replied further about Prospect and Rogers saying they meet the 800 square feet at the 54 units per acre, which is the allowable density. Single family is determined by lot area coverage, and not square footage of living space. He said that right now this framework appears to be appropriate, and the Village Council will have to make that decision. This is not becoming law in September, but is a framework of what the Zoning Ordinance could look like. At that point notifications would have to be made to property owners and surrounding properties.

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Chairman Rickard said that to date he's only heard two property owners who appeared with concerns, and those concerns had already been addressed in the Plan. Mr. Popovich said that Staff has reached out to Downtown Management, the Economic Development Corporation, and any groups interested in the downtown area to get the word out to all organizations. Chairman Rickard said he expects they will be hearing from many more people before this is over.

Mr. Popovich said the Acadia building has entrances on the first floor to the residential portions above commercial uses.

Chairman Rickard referred to the Land Use Chart under Business, Professional Offices and Core. He asked whether those are permitted on the second floor and above. Mr. Popovich said there was some discussion about allowing offices on the first floor, which could be done now. Some offices would have a lot of traffic going in and out. The intensity could be similar to some restaurants. Ms. Leitschuh noted that some people had strong opinions regarding office uses, while others didn't. Chairman Rickard said he expected to see a "special use" on the first floor and "permitted uses" on the second floor and above.

Mr. Popovich said Downtown Management was concerned about the ability of property owners to fill a vacant space. It became more difficult to determine the activity of one office versus another office in terms of foot traffic. Mr. Kulovany recalled the Comp Plan meeting where discussion included the idea of people moving down the street and looking at retail stores, then suddenly finding themselves in front of a real estate office. The concern was that could cause the public to stop at that office use. Someone mentioned that Anderson's felt they were losing business because people weren't moving beyond Coldwell Banker to the bookstore.

Ms. Rollins said she noticed on the use table that the drive-thru facility had been a special use and then was eliminated. She questioned whether banks wanted to have the drive-in option. Mr. Popovich said drive-ins tend to create open spaces and remove street walls. The desire was to create a pedestrian oriented downtown area. Ms. Rollins said that the drive-in seemed to fit as a special use in a transition area.

Mr. Quirk asked how many uses currently exist in the Core and Transition that would not be permitted there. He said he could think of the Toon Funeral Home, and the automobile repair facilities that would not be permitted. Mr. Popovich replied the funeral home is not a permitted use in that district. The funeral home was permitted at some point. Ms. Leitschuh said the question is whether to allow a new funeral home in that area. The existing business would be grandfathered in as a lawful non-conforming use.

Mr. Kulovany asked whether the essence of downtown transition is pedestrian rather than auto oriented. Mr. Popovich responded that the impetus is behind making it pedestrian friendly. He noted that at one time there were gas stations in the downtown area and now there aren't any. He explained that as they get closer to the Core they want less green space and more density. Mr. Kulovany asked if that would be what is at

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the south side of Maple where there are businesses that look like residences. Mr. Popovich said that area is proposed to be Edge 2. If you look at Forest, south of Franklin, there are some single-family homes converted to offices that have some greenspace as well. If there is a business in that area, they don't want it to be high intensity, with no storefronts. Mr. Kulovany asked if someone could come to the Plan Commission for a variance on uses. Mr. Popovich noted use variances are not permitted. Mr. Popovich said they would have to come to the Plan Commission for a text amendment, which would change the Ordinance and the District. He explained that there is always room for change.

Mr. Quirk asked what category yoga studios or gyms fall into. Mr. Popovich said it would be personal improvement services and they are permitted in the downtown area. The transition includes barbershops and beauty salons that must be on the ground floor and not exceed 2,500 square feet. Personal improvement services/physical therapy would be a gym. He doesn't think those fall under medical or health practitioners.

Mr. Leitschuh gave a definition of what is included in personal improvement services as: uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well being. Typical uses include barbers, hair and health salons, health studios, martial arts studios, and businesses purporting to offer fortune telling or psychic services.

Mr. Popovich said they tried to figure out the key concepts and how uses fit into the Comprehensive Plan.

Mr. Kulovany asked about medical/dental health practitioners and physical therapists and whether they would fall into personal improvement. As for massage therapists, Mr. Popovich said they would be as an ancillary use to a salon to avoid inappropriate activities. Chairman Rickard said there's a sign on the east side of Main Street for massages all the time. Mr. Popovich said that could be done if they are a chiropractor, where massage is not the principal use. Mr. Kulovany asked if they would ever consider a therapeutic massage therapy as a permitted use.

Mr. Maurer asked if a methadone dispensary falls under medical health practitioners. Mr. Popovich said that it does. Mr. Maurer responded that between Forest and Main, west of Rogers, according to the current Code he could more easily walk into a methadone clinic than he could to get his dog's heartworm treatment. Mr. Popovich said veterinary clinics are a special use.

Mr. Popovich said that there have been five traffic studies done as part of the Comprehensive Plan on a neighborhood basis, but not one done for downtown. He was not sure if one was planned at this time for the downtown. In response to an inquiry, Mr. Popovich said he thought Acadia on the Green was sold out, the 922 Warren site has one more unit to sell, and he doesn't know about any of the new ones under construction. The Village does not see changes in apartment rental occupancy. He said that there is some discussion about a pedestrian crossover at the railroad tracks;

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however, that is not something that has been discussed with BNSF and is not likely to be seen in the near future.

Mr. Popovich addressed the subject of façade improvements for the downtown, which was a program in about 2007-2008. One of the high priority action items that the Council will review is the future of the downtown because the TIF is expiring and the special service area is expiring as well. The question arises as to what will happen downtown with items such as flowers and improvements.

Chairman Rickard asked about design issues, verifying that they will discuss that at the July 24th meeting.

Ms. Hogstrom asked if All Creatures Great and Small and Yoga have been advised about their potential site as a parking deck. Mr. Popovich said that is only a concept at this point and is merely an idea of looking at a parking deck north of the downtown. He said that similarly there are ideas about other areas in the Village that need attention such as 75th and Lemont, 63rd and Belmont, etc., but no decision has been made for those areas at this time.

Chairman Rickard then called for anyone in the audience who wished to ask a question or make a comment.

1. Scott Richards of Oak Tree Towers at 1130 Warren Avenue asked whether they are locked into six stories as maximum in the Village. He said he hoped they were. Mr. Popovich replied that the downtown business district has a 70' height limit with a 60' height limit in the transition area. Mr. Richards said he has lived in the Village about fifteen years now and he's worried about what he is seeing as far as the well-being of the town. He thinks they are hell bent on choking it. He keeps hearing "increased density, increased density". He asked when they'll get to the point where enough is enough. His biggest concern is traffic and very seldom does he hear the Board discussing traffic. He thinks they are at a point where it will be detrimental to the whole town's well being. It's hard to find parking downtown right now, with so many trains going through every day and shutting the downtown down every year for festivals. This is the only town he knows of that actually does that. He doesn't want to see losing the character of Downers Grove, the town itself. He thinks the Village is going in the wrong direction. He referred to the "monstrosity" going up at Main and Maple that looks more like a hospital than high end housing, and said that he understands people are trying to get out of their contracts for that building because of the other building going up immediately adjacent to it. He doesn't understand why no one seems to worry about any of this. He is dismayed at what he sees being discussed, and would like to see more concern about traffic. People will just stop going into the downtown area because of the traffic.

2. Jim Wilkinson, 1125 Black Oak and a member of Transportation and Parking Commission, said there is a traffic study being proposed for downtown. They just completed the fifth study for the unincorporated area on the west side. There is no timeline right now but one study is proposed. He noted that the 2-hour parking signs do

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not agree with the Ordinance and that has to be addressed. In addition new equipment will be installed downtown to monitor the traffic flow in the area. Regarding the parking garage, the Commission struggled with that issue as well so as not to restrict the height in the area so that a parking garage could be built. He said the dilemma is how to put in a parking structure in an established area. They also have touched on surface lots. He asked that they consider where the parking garage could go, which obviously would be the north side of town. He said the parking garage would have to fit in with the imitations or descriptions they have such as in DE1 or DE2. As for drive-thrus, such as U.S. Bank, it really isn't a drive-thru but is more of a mini-parking lot and a cut-through for pedestrians. That has been grandfathered in at that location.

Someone on the Commission explained that if U.S. Bank was to close and another bank came in within a six-month period they could use the drive-thru. More than six-months out and the drive-thru would no longer be permitted without receiving approval.

Mr. Wilkinson said they have been talking about building upward. But he asked what about going down for parking in a basement level. Mr. Popovich said the building code restricts how deep you can go. It is not a zoning regulation. Some of the buildings under construction have below-grade parking.

Mr. Wilkinson also commented that at some point it would be good to have a grocery store downtown which would also require parking.

Mr. Wilkinson replied to a question that TAP often gets requests from residents regarding changes in parking in neighborhoods, such as high school students parking in residential neighborhoods. He said with regard to multi-family housing if there is only 1.4 parking spaces per unit, but two drivers/cars in the unit, that will affect street parking. The construction at Main and Maple has resulted in the loss of parking spaces on Main Street to accommodate some of the workers who are involved in the construction on Maple. He also referred to the 2-hour parking in the downtown with employees parking on the street all day on a Saturday. Mr. Popovich said one of the issues as well is enforcement of employees parking on the street.

Mr. Kulovany said that Yorktown shopping center is about 3-4 blocks long and people will park and walk in the mall. But they won't walk a block from the parking garage to the downtown stores. It is a behavior change. Mr. Kulovany asked whether TAP has looked at synchronized lights on Main Street. Mr. Wilkinson said that has not come before them for review. It might be part of Public Works, and they also would have to work it through with the railroad.

Mr. Kulovany then asked whether TAP is involved in Metra, and Mr. Wilkinson said they are not. He said that they were asked if they favored a pedestrian overpass at the railroad tracks.

Mr. Popovich said that from 1997 to present there were about 600 additional residential units added downtown, with 500 additional public parking spaces, and 400 private

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parking spaces. Other dynamics that could affect parking would be the change to driverless cars.

Chairman Rickard said he spends more time than he likes to admit in the parking deck. During normal business hours the deck is fairly well filled. There's a change after working hours and on the weekends. He thinks some of the issue with using the parking deck is laziness.

A commissioner asked about the 600 additional units, and asked how many are currently under construction. Mr. Popovich said that there are about 300 currently under construction. Mr. Maurer noted then that half of the residential units added over the last 20 years are under construction right now.

3. Mr. Richards who resides at Oak Tree Towers said that their residents have been allowed to use the AT&T south side parking. If something happens to that, there will be about 30 residents of Oak Tree without parking availability.

Mr. Popovich said Staff would obtain additional information about densities and uses in the downtown and allowable densities in other communities.

Mr. Kulovany asked what the reasoning is behind the Council wanting greater density downtown. Mr. Popovich said if there are more people downtown more businesses would remain open. They want to keep a quaint feel to the downtown, with density around the edge of residents who would frequent the downtown businesses.

Ms. Hogstrom said that they recently approved demolishing a building for St. Joseph's parish at Franklin and Main to allow for an additional surface parking area. There could be an opportunity for residents to use those parking areas during off hours.

Chairman Rickard called for a Motion to continue the meeting.

**Mr. Kulovany moved to continue the meeting for Case 16PLC-0019 to July 24, 2017, seconded by Ms. Gassen.
All in favor. Motion carried.**

Chairman Rickard said he might not be present for that meeting.

**Mr. Quirk moved, seconded by Mr. Kulovany to adjourn the meeting.
All in favor. The Motion carried.**

Chairman Rickard adjourned the meeting at 9:05 PM.

Respectfully submitted,

Tonie Harrington,
Recording Secretary.