

Approved 9-12-2016

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

AUGUST 1, 2016, 7:00 P.M.

Chairman Rickard called the August 1, 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. Hogstrom, Ms. Johnson, Mrs. Rabatah, Mr. Thoman, *ex-officio* Mr. Davenport

**ABSENT:** Mr. Cronin, Ms. Gassen, Mr. Quirk, *ex-officios* Mr. Livorsi, Mr. Menninga

**STAFF:** Village Planners Scott Williams and Rebecca Leitschuh and Intern Nora Flynn

**VISITORS:** Kathleen West with Delta Sonic, 111 E. Jefferson Ave., Downers Grove; Lauren Gardner, Intech Consultants, Inc. 1989 University Lane, Lisle; Chris Baumgartner, Michael Yount, and James Bognioni with Delta Sonic Car Wash, 1401 Ogden Ave., Downers Grove; Cinda K. Lester, 12/12 Architects, 644 67<sup>th</sup> Street, Downers Grove; Robert Aument, Daspina Aument, 4721 Wallbank, Downers Grove; Kathleen West, Dommermuth, Cobine, West, et al., 111 E. Jefferson Ave., Naperville; Scott Richards, 1130 Warren Ave., Downers Grove; Tray Khan, Local Community Signs, 1620 Ogden Ave., Downers Grove; Denise Andrew, 1611 Janet, Downers Grove; F. Campagna, 4227 \_\_\_\_; Julie Wojciezchowski, Delta Sonic, 4340 Segles Ave;

**APPROVAL OF MINUTES**

**JULY 11, 2016 MINUTES – MOTION BY MR. THOMAN, SECONDED BY MS. HOGSTROM, TO APPROVE THE MINUTES. MOTION CARRIED BY VOICE VOTE OF 4-0-2 (MS. JOHNSON, MRS. RABATAH ABSTAIN)**

**PUBLIC HEARINGS:**

Chairman Rickard explained the protocol for the public hearings and swore in those individuals that would be speaking on the petitions below. (A change in the agenda followed.)

FILE 16-PLC-0033: A petition seeking to amend the existing Special Use Ordinance to allow all uses expressly permitted in the M-1 Zoning District. The property is currently zoned M-1, Light Manufacturing. The property is located on Wisconsin Avenue, 480 feet west of Belmont Road, commonly known as 2300 Wisconsin Avenue, Downers Grove, IL (PIN 08-12-407-006). MacNeil Real Estate Holdings, LLC, Owner.

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Chairman Rickard announced that the applicant requested a continuance.

Attorney Mr. Robert Aument, 4721 Wallbank Avenue, Downers Grove, representing the petitioner, MacNeil Real Estate Holdings and Mr. MacNeil, stated he received staff's report and would like to review it further. He respectfully requested a continuance of the hearing.

A couple of commissioners expressed their concern cases being continued of late.

**WITH RESPECT TO FILE 16-PLC-0033, MRS. RABATAH MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO THE SEPTEMBER PLAN COMMISSION MEETING.**

**SECONDED BY MR. COZZO.**

**MOTION CARRIED BY VOICE VOTE OF 6-0.**

Village Planner Scott Williams thanked Planners Leitschuh and Flynn for filling in during his absence. Ms. Leitschuh acknowledged and thanked Mr. Cozzo and Mrs. Rabatah for their contributions to the Plan Commission as tonight would be their last meeting. Applause followed.

**FILE 16-PLC-0023 (continued from June 6 and June 27, 2016):** A petition seeking approval of a Special Use to allow an office use to provide more than 4.5 parking spaces per 1,000 square feet of floor area and a Rezoning from M-1, Light Manufacturing to O-R-M, Office-Research-Manufacturing. The property is located on the northwest corner of Warrenville and Finley Road, commonly known as 2200 Warrenville Road (PINs 08-01-400-004, and -006). Adam Stokes, Agent of Nicolson Porter & List, Inc. and Arbor Vista LLC, Petitioners; Arbor Vista LLC, Owner.

Planner Williams reviewed the current location of the site on the overhead, stating the parcel was currently zoned M-1 Light Manufacturing, while to the west the area was zoned ORM Office-Research-Manufacturing. The site currently consisted of two buildings with one access point. The plat of survey was referenced, noting the two lots would have to be consolidated next to the Nicor lot. A conceptual site plan was submitted which was reviewed by Mr. Williams.

The property was currently classified as "Office Corporate Campus" which staff believed was consistent if it was rezoned to ORM. It would meet the village's Future Land Use Map which was in accordance with the village's comprehensive plan. Mr. Williams discussed in detail how the site met the goals of the village's comprehensive plan.

Discussing the parking ratio, Mr. Williams recalled that in 2014 as part of the zoning code update, there was a requirement for developments that exceeded four and one-half parking spaces per 1000 square feet, with a total of more than 100 parking spaces, were required to go through the special use process. This site would go through a two-phase process where the first phase would include 6.5 cars per 1000 square feet, while the second phase would include 7.2 cars per 1000 square feet. Mr. Williams proceeded to describe the latest office space trends, their affect on parking ratios, and the petitioner's justification for why the ratios were needed.

Continuing, the floor plan, renderings and landscaping plan for the project were referenced. Criteria for the special use were reviewed. Staff supported the proposal with a few minor conditions.

Per questions regarding the special use, staff explained that the special use ran with the land and if the next owner came in and needed changes, it would require the owner to come before the Plan Commission for an amendment. Asked if there other developments that exceeded the parking maximum in the village, both Mr. Williams and Ms. Leitschuh explained this was the first time since 2014 that staff was going through the special use process and there was never a maximum number until the zoning ordinance was updated. Per Ms. Hogstrom's question, the petitioner would have to follow all of the new parking requirements. Staff briefly explained the rationale for increasing the maximum parking ratio.

Chairman Rickard invited the petitioner to speak.

Mr. Adam Stokes, 931 N. Eagle St., Naperville, vice president of Nicolson Porter & List, Inc. and a managing member of Arbor Vista, LLC, owner of the property, shared the history behind the purchase of the site from Perk & Elmer (phonetic spelling), stating it was the most visible site within the village as well as from the suburbs of Chicago, given its position next to Interstates 88 and 355. Mr. Stokes shared his background in real estate, specifically in the areas of industrial and office property and discussed that he and his investment group purchased the site with no specific use in mind. He knew the land was valuable.

After speaking with village staff, reviewing the village's comprehensive plan, and realizing the village had the same vision for the site, Mr. Stokes said that plans have been made to demolish the existing building and to market the seven-acre site to corporate office users since the site has a total floor area ratio of 200,000 to 225,000 square feet. He described the economics of square footage uses as it pertained to today's corporate tenants.

To date, Mr. Stokes revealed that there was a Fortune 500 company interested in the site and was focused on build-to-suit opportunities on the I-88 Corridor. Mr. Stokes described how older office space and parking needs (4 spaces per 1,000 sq. ft), in general, had changed over the years due to the dynamics of today's work place and work space. He reminded the commissioners that he did not have a specific plan for parking due to the Fortune 500 company trying to finalize its head count. However, they did relay to Mr. Stokes that the building would be designed to accommodate six and-one-half employees per 1000 square feet on a daily count, including visitors and for future growth. The company intends to design the building for 7.2, however, with an initial density of 6.5 per 1000 sq. feet, would like to incorporate "land banking", i.e., incorporating green space for the parking that is not "parked" yet. Conceptual renderings of the proposed site also.

Tonight, Mr. Stokes said he was seeking the special use to design/develop the site with the 6.5 per 1000 square feet (but growing to 7.2 per 1000 sq. ft.), and secondly, changing the zoning, which staff recommended to the petitioner.

Questions from the commissioners included:

1) whether the petitioner's client was "ready to go" if the proposal before the commissioners was approved? (Per Mr. Stokes -- not yet, because the client had to finalize head count numbers and see the outcome of this special use);

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2) whether staff reviewed the traffic component of this site as it related to increased parking/traffic? (Mr. Leitschuh indicated that Public Works did review parking/traffic and did not have concerns about the increase of cars for the site versus what would have been allowed by right. The higher ratio was not a concern.)

3) with the additional parking and impervious land use, was there a requirement for how much green space was needed? (Mr. Stokes indicated he met with Public Works and depending on the final size of the building and the impervious ratios, the detention area would be located at the northern end of the site near the rain garden. He referenced the old and new calculations for the impervious surface located on the plans, explaining what would be required under the stormwater ordinance should the impervious surface increase by 2500 square feet and 25,000 square feet. Currently the petitioner was under 2500 square feet which would not “trigger” the new stormwater management ordinance. Mr. Williams added that at building permit review, the petitioner would have to comply with the 10% open space requirement.)

Chairman Rickard opened up the meeting to public comment.

Mr. Scott Richards, 1130 Warren Avenue, Downers Grove, asked for the exact location of this proposal and voiced concerns about the size of the parking lot, traffic, and the site having only one ingress/egress. He asked what was the point for the village to have certain requirements when developers consistently ask to make allowances? He was not against the project but stated the commissioners had to be responsible and accountable for the impact that such projects make on the existing residents and the businesses. He asked the commissioners to visit the site.

Hearing no further questions, the chairman invited the petitioner to make a closing statement. Mr. Stokes said he appreciated the concerns but pointed out with the current parking ratio, a six or eight-story building could be constructed with over 1,000 cars parked and he would not have to come to the Plan Commission requesting a special use request. He was not looking to exceed what the site could handle.

Chairman Rickard asked staff if the petitioner would have to return to the Plan Commission again once an engineered solution was put together and the parking number finalized. He further voiced dismay that the fire department did not express concern with the one access. In response to the chair’s first question, Mr. Williams confirmed that once tonight’s request was approved and the petitioner returned with a final engineered solution, the parking would become a staff review process. Also, Du Page County would have to approve the project since the site sat next to a county road. Mr. Stokes confirmed the county did require a traffic study to be done. As to why there was no traffic study provided at the village level, Ms. Leitschuh indicated if there was a concern, a traffic study would have been requested by Public Works, but it was not necessary for the level of on-site activity anticipated currently.

Ms. Johnson expressed concern about approving tonight’s petition and the traffic study getting rejected at the next level, wherein staff relayed there was no need for a traffic study after Public Works staff reviewed the proposal. Again, the chairman voiced concern about the single ingress/egress for the site, citing safety issues and traffic accidents and suggested a condition be placed in the motion for additional review. Ms. Leitschuh stated the fire department did review the proposal and had no concerns. She also emphasized that the goal was to keep fewer points of access on the roads in order to avoid traffic congestion along the main road.

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Mr. Cozzo believed that adding a second access to the site was difficult and anything off of Warrenville Road positioned one closer to Finley Road, which was a concern. The Warrenville/Belmont intersection was awkward and he agreed with the resident that not many people wanted to be in the area. He asked staff if a right-out only could be installed at the access point to minimize traffic issues or could it be added as a condition for approval. Discussion followed regarding different traffic scenarios and keeping the 50-foot wide access, as requested by Mr. Stokes.

Mr. Stokes had no further comments or closing statement.

The chairman entertained discussion on the zoning request. Mr. Cozzo believed the criteria for the rezoning was met and the proposal met the requirements of the Comprehensive Plan. Mr. Thoman believed the request for rezoning was also in line with “making the parcel more competitive for contemporary ORM purposes.” As to the special use, Mr. Cozzo stated the question before the commissioners was whether they could add anything to make traffic safer for the area or would it be a concern for the petitioner’s potential client? Otherwise, he was supportive of the proposal.

The chairman pointed out that if commissioners were unsure about how to proceed, they could have staff ask the traffic expert to review the proposal to see if there was a need for a right-out only or no left turns during certain hours, etc. Commissioners talked about adding two additional conditions: keeping the existing width of the driveway access and having the public works traffic engineer review the traffic and report to staff any traffic recommendations.

**WITH RESPECT TO FILE 16-PLC-0023, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL AS IT RELATES TO THE CHANGE IN ZONING TO O-R-M AND APPROVAL OF THE SPECIAL USE OF UP TO 7.2 CARS PER 1,000 SQUARE FEET, SUBJECT TO THE FOLLOWING THREE (3) STAFF CONDITIONS:**

- 1. THE PARKING RATIO FOR PHASE II WILL NOT EXCEED 7.2 SPACES PER 1,000 SQUARE FEET OF FLOOR AREA;**
- 2. THE PETITIONER SHALL CONSOLIDATE THE TWO LOTS INTO A SINGLE LOT OF RECORD PURSUANT TO SECTION 20.507 OF THE SUBDIVISION ORDINANCE PRIOR TO THE ISSUANCE OF ANY SITE DEVELOPMENT OR BUILDING PERMITS; AND**
- 3. THE PETITIONER SHALL PROVIDE EASEMENT DOCUMENTATION FOR PERMISSIBLE CONSTRUCTION ON THE NICOR LOT;**

**AND SUBJECT TO THE FOLLOWING TWO (2) CONDITIONS, AS DISCUSSED BY THE PLAN COMMISSION:**

- 1. KEEP THE EXISTING WIDTH OF THE DRIVEWAY ACCESS; AND**
- 2. THE PUBLIC WORKS TRAFFIC ENGINEER SHALL REVIEW THE TRAFFIC AND REPORT TO STAFF ANY RECOMMENDATIONS ON TRAFFIC FLOW.**

**SECONDED BY MRS. RABATAH. ROLL CALL:**

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**AYE: MR. THOMAN, MRS. RABATAH, MR. COZZO, MS. HOGSTROM, MS. JOHNSON,  
CHAIRMAN RICKARD.**

**NAY: NONE**

**MOTION CARRIED. VOTE: 6-0**

**FILE 15-PLC-0008 (continued from July 11, 2016)**: A petition seeking approval of a Planned Unit Development, a Rezoning from B-3, General Services and Highway Business to B-3/PUD, Special Use and Right-of-Way Vacation of the Alley to redevelop a fueling station and car-wash. The property is currently zoned B-3, General Services and Highway Business. The property is located on Ogden Avenue between Seeley and Oakwood Avenue, commonly known as 1401-1445 Ogden Avenue, Downers Grove, IL (PINs 09-06-405-001, -007, -008, -009, -010, -026). Michael Green, Petitioner and Delta Sonic Car Wash Systems, Inc., Owner.

Village Planner Ms. Leitschuh, walked through the petitioner's request, which consisted of four items: a request for a PUD, zoning map amendment, the special use request and the right-of-way vacation. The site consisted of the former vacant Burger King property (to be demolished) and the current Delta Sonic site. Staff had been working on this project for over a year. Staff reviewed the site on the overhead, noting the 20 ft. alley which the petitioner was asking to be vacated. Ms. Leitschuh referenced the plat of survey, stacking plan, and the various lots that would have to be consolidated into one lot.

Current conditions of the site were reviewed. She walked through the car wash process, explaining the lane set up, pointed out the existing detention basin, and reviewed the new site plan. The new site plan reflected a reduction from 16 fuel pumps down to 10 with a new canopy, adding a new lane for stacking purposes, new vacuum stalls, and a pre-wash bay to allow for two vehicles. A total of 52 parking spaces would be on-site. Plans for pedestrian connectivity and landscaping were pointed out. New, larger underground fuel tanks would be installed which Ms. Leitschuh believed would reduce delivery truck traffic. On-site traffic orientation was also reviewed.

Building elevations were reviewed by staff and the plat of vacation was also referenced. Ms. Leitschuh described how the proposal met the requirements of the village's Comprehensive Plan and its respective corridor. Bulk standards for the site were also referenced, noting all requirements were met except for one setback and the stacking requirement. Ms. Leitschuh pointed out that fuel stations are required to have two stacking spaces per pump, and the proposal had one, which she felt was an improvement to what currently existed. Also, the petitioner was required to have 8 stacking spaces for the detail shop, but currently 7 existed. Lastly, the applicant was seeking a 6-foot setback for the drive-through stacking lanes where a 25-ft. setback was required. Staff, however, supported the six-foot setback being proposed because B-3 to B-3 zoning existed between the two properties and B-3 zoning also existed across the street. Additionally, the purpose of the second lane being requested was to reduce the on-site congestion and to make the site work.

Addressing the request for the vacation of the alley, currently the parking requirement was a 20-ft. setback and the petitioner was at 14.3 feet. Staff did send letters to the utility companies asking them to maintain a regular public utility access easement across the area.

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Continuing, staff spoke about the benefits of the proposal as it related to the planned unit development, zoning amendment, and the special use. Specifically, there would be increased safety due to better circulation, pedestrian connectivity, and operations restrictions to the site. There was a reduction in the curb cuts, improved landscaping, and relocation of the detention. Unifying features would carry across the building. Ms. Leitschuh emphasized how the petitioner had been working with staff over a year to address staff's concerns. As far as the zoning map amendment, Ms. Leitschuh stated this was part of the next step within the planned unit development process and she found all criteria was met. The special use criteria for the fuel stations/car wash was also reviewed and staff believed the criteria was met.

It was reported that the petitioner held a neighborhood meeting with appropriate notices going out to residents within 250 feet of the property. Two individuals attended the meeting and expressed concerns of setbacks, landscaping, and shielding of residents' properties. Overall, staff supported the proposal with the caveat that the right-of-way vacation language be finalized with the neighbor (off of Sealy Ave.) and asked the Plan Commission to forward a positive recommendation to Village Council with the condition that 1) prior to Village Council the applicant secure, in writing, the consent of both the 4341 Sealy and 4340 Oakwood owners to vacate the adjacent alley, and, 2) the public drainage, utility and access easement is to be retained as noted on the plat of vacation.

Per commissioner questions, staff confirmed there would be an 8-foot privacy fence along the southern property line and the proposed foot candle lighting requirement was .1.

On behalf of Delta Sonic, Ms. Kathleen West, with Dommermuth, Cobine, West, et al., 111 E. Jefferson Ave., Naperville, and James Boglioli, in-house counsel and planning director for Delta Sonic were present. Addressing the fence question, Mr. Boglioli indicated he was working with the neighbors to the west on Sealy and there would be a fence next to the drive aisle along with landscaping on the neighbor's side. Next, a six-foot fence would be installed for the first 100 feet so a drive aisle could not be seen, and then the fence would drop to four fence for the remainder of the length, as it approached the corner. He would modify the plans according.

Mr. Boglioli identified three 21-ft. light poles on the site and stated they currently met code at the property line and would include new lighting with downward shielding with true box fixtures, which would not reflect back onto the neighbors' property.

Additional questions directed to the petitioner included: what was the current fencing along the south property line, to which Mr. Boglioli stated was a staggering of two six-ft. fences –not joined, and they would be replaced with one continuous eight-foot stockade fence. Asked how much additional depth the petitioner was picking up near the garbage area, Mr. Boglioli stated 20 feet was picked up and the area would be more organized now. Dialog followed that employee parking would now exist where the vacation of the alley was taking place. When asked if the current landscaping would remain on the Sealy side, Mr. Boglioli explained that he spoke to the one neighbor and they had agreed that Delta Sonic would give them a 160-ft. easement, 20-foot wide over the landscaped area since that neighbor planted the landscaping and wanted to maintain it, subject to the easements Delta Sonic needed to get for the alley vacation. The fence would be against Delta Sonic's curb line. Illumination for the back alley area would include a couple of 21-foot light poles with downward cut-off lenses, along with security lighting and surveillance.

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Mr. Michael Yount, environmental compliance officer, Buffalo, New York, explained where the delivery trucks would deliver fuel during their night deliveries. Ms. Hogstrom asked about the future underground retention pond and whether it would be comparable to the current retention pond.

Ms. Lauren Gardner, Intech Consultants, Inc., 1989 University Lane, Lisle explained the current 48-inch pipe along the rear of the building would remain and be connected to the new underground system that would replace the existing small pond and the pond west of the detail shop. It will be a larger storage site than what is currently being provided on-site. Ms. Gardner confirmed no retaining wall would be necessary at the west end of the property due to the grading being leveled.

Chairman Rickard opened up the meeting to public comment.

Mr. Scott Richards, 1130 Warren, Downers Grove, asked staff if the existing parking and sidewalk along Ogden were being changed, wherein Ms. Leitschuh confirmed they were not.

Ms. Julie Wojechowski, 4340 Sealy Avenue, wanted to confirm that the petitioner was moving the fence five feet from the sidewalk and that it was correctly depicted on the petitioner's plans. She also wanted to confirm with the petitioner that landscaping would be planted. She asked where the garbage was located, when it would be picked up, and the latest hour the business would be open.

Hearing no further public comment, the chairman closed the public hearing.

Mr. Boglioli returned and stated that with regard to the resident's concern about the landscaping and fence, the six-foot fence would be placed up against the curb for the first 100 feet heading towards Ogden Avenue and four-feet high for the remainder. All landscaping would be placed on the residential side of the fence which was what the resident wanted. No changes for the current hours of operation were being planned. As far as trash removal, Ms. Kathleen West returned and stated that trash removal usually occurred at 8:00 a.m. three times per week.

Mr. Boglioli closed by emphasizing to the commissioners that his client purchased the Burger King property to improve the site. The business was not generating any additional business with the changes and the petitioner was making the site better, safer, and more efficient and also decreasing the intensity of the site, given a restaurant would generate more traffic.

Chairman Rickard invited commissioner input. Mr. Cozzo pointed out that three conditions under the zoning ordinance were not being met: the south setback from 20 feet to 14.3 feet; the stacking requirement of two spaces and only one being provided per pumping station; and the 8 stacking spaces needed for the detail shop, where currently there were 7 spaces. However, he also pointed out the positives of the proposal and supported the proposal. Lastly, he stated that the approval criteria for the zoning map amendment, the special use and request for vacation were met, in general. The chairman concurred.

A question was directed to staff on whether staff had any concerns about the western fence being six feet high, as opposed to a four-foot high fence, as requested by the neighbor. Ms. Leitschuh indicated the only concern was visibility when driving on Sealy north and then when hit Ogden, but she now believed the proposal was a good compromise.



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**WITH RESPECT TO FILE 15-PLC-0008, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE PLANNED UNIT DEVELOPMENT, REZONING, SPECIAL USE AND ALLEY VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; ENGINEERING, ARCHITECTURAL AND LANDSCAPE DRAWINGS PREPARED BY INTECH CONSULTANTS, INC. DATED JANUARY 28, 2015 AND LAST REVISED ON JUNE 7, 2016, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE PROPOSED FENCE ALONG THE FIRST 100 FEET OF THE SOUTH PROPERTY LINE SHOULD BE A MAXIMUM OF SIX FEET IN HEIGHT PER THE ZONING CODE. THE FENCE ALONG THE WEST PROPERTY LINE SHOULD BE A MAXIMUM OF FOUR FEET OPEN DESIGN.**
- 3. THE APPLICANT SHALL PAY THE VILLAGE \$270,000 PRIOR TO THE EXECUTION OF THE ALLEY VACATION.**
- 4. THE FENCE ALONG THE WEST PROPERTY LINE SHOULD BE PLACED ALONG THE DRIVEWAY CURB AND ALLOW LANDSCAPE MATERIALS TO BE PLANTED ALONG THE STREETSIDE OF THE FENCE.**
- 5. THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.**
- 6. THE APPLICANT SHALL MAINTAIN ALL SIDEWALKS AND PLAZA AREAS THAT ARE ON AND IMMEDIATELY ADJACENT TO THE SUBJECT PROPERTY.**
- 7. STORMWATER AND UTILITY EASEMENT SHALL BE GRANTED OVER THE DETENTION AREA IN THE PARKING LOT.**
- 8. THE APPLICANT SHALL ADMINISTRATIVELY CONSOLIDATE ALL LOTS INTO ONE LOT OF RECORD PRIOR TO ISSUING A BUILDING PERMIT.**
- 9. THE APPLICANT SHALL REDUCE LIGHT LEVELS TO SECURITY LEVEL NO LATER THAN 30 MINUTES AFTER THE CLOSE OF BUSINESS.**
- 10. PRIOR TO VILLAGE COUNCIL, THE APPLICANT SHALL SECURE IN WRITING THE CONSENT OF BOTH 4341 SEALY AND 4340 OAKWOOD TO VACATE THE ADJACENT ALLEY;**
- 11. THE PUBLIC DRAINAGE, UTILITY AND ACCESS EASEMENT IS TO BE RETAINED AS NOTED ON THE PLAT OF VACATION.**

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

**AYE: MR. COZZO, MS. JOHNSON, MS. HOGSTROM, MRS. RABATAH, MR. THOMAN, CHAIRMAN RICKARD**

**MOTION CARRIED. VOTE: 6-0**

**FILE 16-PLC-0032:** A petition seeking approval of a Special Use to allow an automobile dealership. The property is currently zoned B-3, General Services and Highway Business. The property is located on the north side of Ogden Avenue, between Lee Avenue and Downers Drive,

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commonly known as 1620 Ogden Avenue, Downers Grove, IL (PIN 09-06-302-006). Local Community Signs, LLC, Owner.

Mr. Williams summarized the petition before the commissioners and located the site on the overhead, noting it was the old McDonalds restaurant. Current zoning for the site was B-3, General Services and Highway Business while to the north the zoning was R-2 Single-Family Residential and then R-6 Residential Multi-family to the east. The property to the west was also zoned B-3. Existing conditions would basically remain the same, except for a couple of parking spaces removed to address open space. Mr. Williams pointed out that Public Works would like to place a five-foot easement over the current sidewalk in order to do future work. Building elevations were referenced and the interior floor plan was reviewed.

On the site plan Mr. Williams pointed out that the sidewalk and ramp would remain for pedestrian connectivity. There would be 8 spaces for parking and other areas would be designated for auto display purposes. The landscaping plan was referenced with staff pointing out the number of trees that were being added to the site and the fact that landscaping was being added to all four sides of the property. Reviewing the photometrics for the site, Mr. Williams indicated that at the eastern property line there were 0 readings five feet out from the property line onto the apartment property. Staff believed that if the petitioner could convert, repair and make a six-foot solid fence, it would help with the screening and would reduce the photometric readings. Horizontal foot candle measurements for the rear property line were 0 due to the dense forest and existing fence.

Reviewing an exhibit addressing the on-site truck turning movements, Mr. Williams stated vehicle haulers would be able to navigate the site. As part of the condition for approval, test-driving would not be allowed on the adjacent residential streets of Lee, Lacy, and Downers, which was fine because the applicant had responded that he wanted vehicles to be test on the highway. Lastly, in reviewing the proposal against the goals of the village's Comprehensive Plan, Mr. Williams believed the proposal met the plan – it was repurposing an existing structure and there was landscaping and screening being added to improve the site. Staff recommended approval with the conditions listed in its staff report.

Chairman Rickard, again, shared his concern as to how someone enforces somebody from testing a vehicle on a public street, as long as someone is following the law. He opened up the matter for discussion. Along the same lines, Ms. Hogstrom recalled similar concerns were voiced at the village council level and should the testing continue to be an issue in residential areas, that it might be necessary to “pull” the special use. The chairman believed that the restriction for testing only pushed the testing issue down to the next residential street.

Petitioner, Mr. Tray Khan, Local Community Signs, 1620 Ogden Ave., Downers Grove, stated he attended the meeting with Star Motors that discussed the test driving concerns and questioned why someone would test drive on a residential street since it did no justice for the test drive itself. His goal would be to include sales people in the car directing the test drives.

Ms. Cinda Lester, 12/12 Architects, 644 67<sup>th</sup> Street, Downers Grove, on behalf of the petitioner, reiterated there was very little change to the site -- only to renovate the McDonalds building into a showroom and a detailing area to wash/wash/vacuum a vehicle. The exterior of the building would remain the same except for the large panel of existing glass windows. Those would be converted into swinging doors for a vehicle to travel through. The drive-thru window would be removed and

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replaced with a window or a fixed panel. Curb cuts would remain and a couple of parking spaces would be removed to meet the open space requirements. A new sign would also be added. The existing shadow-box fencing along the north would either be repaired and/or replaced. The current tall bushes would also be left alone rather than trying to install an 8-ft. fence in their place. The missing section of fence on the eastern portion of the site would be replaced and the gravel and weeds would be replaced with new landscaping. No change to the lighting would be made and the light levels would be reduced one half hour after the business closed.

Continuing, Ms. Lester said the fire inspector requested an upgraded alarm system but conveyed there was no need for a sprinkler system. Details of the fencing proposed for the northern property line were discussed in detail.

The chairman invited the public to speak.

Mr. Lee Eisenberg, Vice President and Executive Manager of Bill Kay Nissan, located across the street from the subject property noticed that the proposal called for 38 parking spaces not including the guest parking and ADA parking. He voiced concern there was no employee parking and the only parking available would be on Downers Drive on the south side of Ogden Avenue and adjacent to his property. He stated the street was over-crowded now as his business and other businesses used the street for overflow parking. Two curb cuts existed, one of which led to a vacant property; the other to his main receiving gate. He believed this would create a hardship on his business and a safety hazard due to employees running across Ogden Avenue. He voiced further challenges to the area and the challenges of delivery trucks should the lot become overcrowded. He stated he did not believe the site was designed to be an automobile dealership.

Hearing no further comments, the chairman gave Ms. Lester an opportunity to address these comments.

Ms. Lester explained that the petitioner did not anticipate having the type, size or amount of inventory that the business across the street handled. The petitioner expected to have 30 to 35 cars on-site, including those in the showroom, along with some motorcycles. Only 2 to 3 employees were anticipated to work at the site. Six parking spaces plus the two existing handicap spaces were being provided. No employees would be parking on Downers Drive. Ms. Lester stated that on the day she visited the site, a car hauler from the other business actually traversed the McDonalds site with success. Also, the truck turning exhibit, which staff referenced, reflected the radius for a six-car hauler as opposed to a standard three-car hauler that the petitioner would use.

Returning to the podium, Mr. Tray Khan shared with the commissioners that the parking spaces were modified so that at no time would a car block the ability of a car hauler to come through the site. He had no intention to park on Downers Drive and offered to work with Mr. Eisenberg.

Per a question, Mr. Khan stated his business was Internet-based and there would be a motorcycle component to the business. No ATVs or snow mobiles; however, would be offered. Ms. Lester closed the discussion by explaining the positives of the business and its special use.

Hearing no further comment, the public hearing was closed by the chairman.

Approved 9-12-2016

Mr. Thoman pointed out the petitioner's business was very similar to other vehicle businesses along Ogden Avenue. Ms. Johnson also noted that the petitioner addressed the same issues as seen in prior petitions, i.e., concerns of loading/unloading vehicles on-site or on Ogden Avenue, screening from neighbors, and test driving. Positive comments followed and a motion was entertained.

**WITH RESPECT TO FILE 16-PLC-0032, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; ARCHITECTURAL DRAWINGS PREPARED BY 1212 ARCHITECTS & PLANNERS DATED JUNE 29, 2016 AND LANDSCAPE PLANS PREPARED BY PLANNING RESOURCES, INC. DATE JULY 22, 2016; AND DOCUMENTS ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. RECORDING OF A PLAT OF EASEMENT GRANTING A FIVE-FOOT EASEMENT ACROSS THE FRONTAGE OF THE PROPERTY TO COVER THE SIDEWALK AND ANY FUTURE IMPROVEMENTS.**
- 3. ALL AUTOMOBILE DELIVERIES SHALL TAKE PLACE ON THE SUBJECT SITE. NO DELIVERIES MAY TAKE PLACE ON OGDEN AVENUE.**
- 4. NO TEST DRIVES MAY TAKE PLACE ON LEE AVENUE, LACEY AVENUE, AND DOWNERS DRIVE.**
- 5. ALL LIGHTS SHALL BE DIMMED TO SECURITY LEVEL INTENSITY NO LATER THAN 30 MINUTES AFTER THE CLOSE OF BUSINESS.**

**SECONDED BY MR. THOMAN. ROLL CALL:**

**AYE: MRS. RABATAH, MR. THOMAN, MR. COZZO, MS. HOGSTROM,  
MS. JOHNSON, CHAIRMAN RICKARD**

**NAY: NONE**

**MOTION CARRIED. VOTE: 6-0**

Mr. Cozzo addressed the commissioners and staff and stated that over the ten years he was on the commission, staff always presented a well-prepared and detailed report. He thanked staff for the time and effort placed in those reports. He also believed the village had a good process and it worked. He encouraged other commissioners to not be afraid to vote in the negative if they felt strongly about something. Mrs. Rabatah also thanked staff and shared appreciative words for staff, noting there was much respect and everyone was working well together.

Ms. Leitschuh announced there would be a September meeting but no second meeting for August.

**THE MEETING WAS ADJOURNED AT 9:55 P.M. ON MOTION BY MR. COZZO,  
SECONDED BY MRS. RABATAH. MOTION CARRIED UNANIMOUSLY BY VOICE  
VOTE OF 6-0.**

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