

Approved 10-03-2016

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

SEPTEMBER 12, 2016, 7:00 P.M.

Chairman Rickard called the September 12, 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, Ms. Gassen, Ms. Hogstrom, Ms. Johnson, Mr. Quirk, Mr. Thoman

**ABSENT:** Mr. Cronin, *ex-officios* Mr. Livorsi and Mr. Menninga

**STAFF:** Village Planners Scott Williams, Rebecca Leitschuh, Swati Pandey

**VISITORS:** Mr. Jason Jarrett and George Kisiel, OK-Rent Kisiel, 122 S. Michigan Ave., Chicago; Mr. Rich Curran, MacNeil Real Estate, 841 Remington, Boling Brook; Mr. Greg Jones, Ancel Glink, 140 S. Dearborn St., Chicago; Mssrs. Greg O'Keefe Jarrett Kreger, Daspin & Aument, 300 S. Wacker Dr., Chicago; Mr. Jeffrey Crane, 4825 Saratoga Ave., Downers Grove; Mr. Bill Styczynski, Studio 21, 221 8<sup>th</sup> Street, Downers Grove; D. Norvilas and V. Norvilas, 5440 Gunor Ave., Downers Grove; P. Yano, 5321 Webster, Downers Grove; Ms. Shanon Tully, Realty Executives, 943 Maple, Downers Grove; Mr. Brian McLachlan and Ms. Colleen McLachlan, Doggie Depot, 4723 Elm St., Downers Grove

**APPROVAL OF MINUTES**

**AUGUST 1, 2016 MINUTES – MOTION BY MR. THOMAN, SECONDED BY MS. HOGSTROM, TO APPROVE THE MINUTES AS PRESENTED. MOTION CARRIED BY VOICE VOTE OF 5-0-1 (MS. GASSEN ABSTAINS)**

**PUBLIC HEARINGS:**

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

**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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Village Planner Swati Pandey reviewed the petitioner's request to amend Ordinance No. 5265 which was approved in 2012, specifically to remove the use restrictions and allow all uses in the M-1 Light Manufacturing Zoning District. Reviewing the site, located at the intersection of Wisconsin Avenue and Belmont Road, Ms. Pandey referenced the plat of survey and the three buildings on the site, explaining there were certain restrictions placed on the types of uses that were permitted on it back in 2012. At that time, there were concerns raised which included the parking ratio and the high density being proposed for the site. She referenced the list of uses allowed under the ordinance being attached to staff's report.

Ms. Pandey reported the petitioner was experiencing challenges in leasing the tenant space due to the restrictions placed on the types of uses and only 53% occupancy currently existed. A quick depiction of the broad use categories allowed under Ordinance 5625 followed. However, since 2012, Ms. Pandey stated the zoning ordinance changed and some of the uses depicted were not considered to be allowed under M-1 zoning but had moved to other broader category types. Staff was asking the commission to consider those uses under a different category type under the 2014 ordinance and to continue them to be interpreted as if they were under the 2012 definition of the Industrial Uses under Ordinance 5625.

Ms. Pandey did a quick review of the comprehensive plan's recommendations for the site and the standards of approval for special use. Of particular note was the fact that the petition did not meet Standards 2 and 3 since there were concerns of high density, resulting in more traffic/parking/circulation issues and those conditions still remained. In summary, Ms. Pandey stated the proposal was not consistent with Ordinance 5625 as adopted by Council in 2012 and, based on staff's findings, staff recommended denial of the petition; however, staff recommended amending the approved uses from 2012 to the categories in the current zoning ordinance shown in staff's report (pgs. 5 and 6).

Questions from the commission included how many parking spaces would be needed to allow the development to include all uses in the standard M1, to which Ms. Leitschuh stated 1.7 per 1,000 square feet and it depended upon the uses on a case by case basis. She found that each of the three buildings, having their own unique set of uses, was very unique. Details followed. Turning to Standard No. 2 for approval, Ms. Pandey explained the proposed use was not complying with issues of parking, traffic and congestion in the neighborhood and complaints were already occurring with parking. Per Mr. Quirk's questions, Ms. Pandey stated that staff's analysis in its report was based on material/information from the petitioner currently and from material/information provided in 2012. A couple of commissioners pointed out the square foot of the floor area was 89,800 sq. feet and there were 147 exterior parking spaces.

Questions followed as to why certain uses were refused by staff; whether there was ever consideration to allow the permitted and special uses in the M1 district; keeping a parking log for each of the uses; and whether staff denied permitted uses on the permitted list because parking was not sufficient at the site. Ms. Leitschuh pointed out that the petitioner had to show that enough permitted parking existed or existed offsite through an agreement in order to avoid compounding issues for surrounding properties. Further assumptions regarding the parking followed by Mr. Thoman, summarizing that parking issues probably existed in 2012 and the village council placed conditions on the development because they wanted the project to move forward but limited what was considered high traffic uses. Questions followed that if the site, back in 2012, was for a 86,000 sq. foot single-story building, how much parking would be needed, wherein staff explained

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it depended upon the intended use. The range would be a minimum ratio of .67 to 4.1 maximum 1000 sq. feet.

The petitioner was invited to speak.

For the petitioner, Bridgett O'Keefe, attorney with Daspin & Aument, 300 S. Wacker, Chicago, on behalf of MacNeil Real Estate Holdings (owner of the property), confirmed the owner was seeking an amendment to the special use governing the property to remove the restriction on uses and allow a full range of M-1 permitted and special uses.

Attorney and friend of the petitioner, Robert Aument, 4721 Wallbank Avenue, Downers Grove, shared some business and personal background about Mr. David MacNeil, who is the founder of Weather Tech Floors and Mats and whom purchased a few properties in the village, one of them being 2300 Wisconsin. Mr. Aument shared how Mr. MacNeil improved the site from its original condition back in 2007 but had to turn away potential tenants due to the burdensome restrictions placed on his property, which were not imposed on other properties located in the industrial park within the M-1 zoning district. He wanted to have the same uses offered to other M-1 properties.

Ms. O'Keefe proceeded to "interview" Mr. Rich Curran, property manager for the subject property by asking him a number of questions including how many units existed (55), how many were leased (33 with 22 tenants), the type of tenants on-site (light industrial companies using space for storage); how tenants are found for the site and the difficulties of finding tenants. Mr. Curran summarized some examples of tenants that would fit in the building nicely, including an exercise facility, a yoga facility, a physical therapy office, and smaller types of businesses. Ms. O'Keefe added that 7 to 9 uses were denied by the village. Mr. Curran reviewed rules for the site, such as no overnight parking, no truck parking, and no storage in the common areas. (Ms. O'Keefe distribute copies of the rules) To date, Mr. Curran said there were no issues at the site since he visited the site twice daily.

Per Mr. Thoman's question, Mr. Curran stated the 7 to 9 tenants that were denied were denied in the past year and in the past year there were 5 to 6 new tenants added. A typical lease was 1 to 5 years.

Mr. Luay Aboona, traffic and parking consultant with KLOA in Rosemont, reviewed the parking/occupancy survey done for the 55-unit facility taken on a Wednesday and a Friday, 10:00 AM to 9:00 PM during various hours of the day and divided into three areas on the site. He noted the parking demand during the day was not very high but what was driving the parking was the Alter Brewery. The peak for the overall facility appeared to be 9:00 PM on Friday with 50 parking spaces occupied, which calculated to be 1 space per 1,000 and left 2.5 spaces per 1000 sq. feet of available square footage for future tenants which was higher than the 1.7 that was provided.

During business hours, however, Mr. Aboona pointed out that the park demand was less, or 33 spaces at 4:00 PM which left almost 2.8 spaces per 1,000 available for future tenants. Details followed. From his analysis, the parking demand was lower than what was provided. He believed ample parking existed for multiple types of tenants and stated the shared parking was working between the tenants. Further details were explained.

Ms. O'Keefe returned and pointed out that most of the uses on-site were classified as light industrial or storage and the code parking requirements for wholesale/distribution/storage was .67 per 1,000

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while industrial was 1.17 per 1,000 and not 1.7, which was why the parking was working very well and the surplus parking existed.

Mr. George Kisiel, land use expert and president with OK-Rent Kisiel Associates, shared his professional background and was retained by MacNeil Real Estate. He reviewed the history of the special use when it was granted in May of 2012 for three buildings on the site, noting the original staff report was in support of the proposal and the proposal was consistent with the village's comprehensive plan and zoning ordinance standards. At that time staff anticipated the 1.17 ratio per 1,000 sq. feet would be adequate for light industrial. However, 1.7 per 1000 was provided for the development and no matter what use, an adequate amount of parking would have to be demonstrated for each use. He confirmed additional use conditions were placed on the site by the village council. Of note, however, Mr. Kisiel stated that while about 150 parking spaces existed on the site, in certain circumstances another 55 spaces could be utilized on-site through the use of tandem parking and valet service. Specifics of the parking lot, current tenants, as well as a quick review of Mr. Aboona's parking analysis followed. Other uses in the industrial park were described as well as the parking ratio for other, nearby multi-tenant buildings in the area, including 2416 and 2500 Wisconsin Avenue, which had a 0.4 floor area ratio and a 1.7 parking ratio while immediately west of the subject building, 2302 Wisconsin, had a 0.4 floor area ratio and 2.2 per 1,000 parking standard.

Mr. Kisiel reviewed each of the three standards for approval of the special use. He and staff agreed Standard No. 1 was met. With regard to Standard No. 2, *whether the proposed use is necessary or desirable to provide a service or facility that is in the interest of public convenience etc.*, Mr. Kisiel emphasized the importance of providing jobs to the area and agreed the M-1 District was appropriate for its location. Its uses were also appropriate and were supported by the village's comprehensive plan. He stated Standard No. 2 was met. However, Mr. Kisiel also pointed out the fact that staff now disagreed with Standard No. 2 by pointing out that the site was too dense and caused parking and circulation issues. He reminded the commissioners that density was measured by floor area ratio and not by the number of units on a site and, currently a .04 floor area ratio existed which was less than half of what was allowed in the M-1 District and was similar to nearby uses and light industrial uses, as constructed. Evidence in support of Standard No. 2 followed by Mr. Kisiel, including staff reports from 2012.

As to Standard No. 3, *whether the proposed use will be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity, or be injurious to property values, etc.*, Mr. Kisiel stated the M-1 uses were compatible with the nearby land uses and were supported by the village's comprehensive plan. The development was well maintained with the site being fifty percent leased and showed no issues with traffic or site circulation and presented no threat to health, safety, and general welfare, nor property value. Standard No. 3 was met. However he pointed out that staff disagreed with this criteria, giving similar reasons as stated in Standard No. 2.

Mr. Kisiel closed by stating that in-place use restrictions from special use Ordinance #5265 were unnecessary and were burdensome to the applicant compared to similar properties and it served no public purpose. The proposal was consistent with the applicable standards for special uses and granting the proposed amendment would have no adverse impacts.

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Per Mr. Quirk's question, Mr. Aboona returned and stated there was enough cushion if a couple of tenants with higher parking ratios came to the development. Mr. Thoman asked for clarification of the comparisons used for the other nearby properties.

Of the 7 tenants that were denied, Ms. Leitschuh stated the majority were denied due to the uses listed in the ordinance. As for the multiple buildings on the site, she clarified to the chairman that in the 2014 ordinance update, it was no longer a special use and the development would, instead, come before the commission as either a planned unit development application or as an Institutional INP2 development (civic/governmental type building).

Mr. Aboona returned and addressed internal and external tenant parking spaces on the site for Mr. Thoman.

Ms. O'Keefe, attorney for the petitioner, proceeded to "interview" Mr. Kevin Grayhill, project director for MacNeil Real Estate, and wanted to clarify some of the confusion that appeared to exist in the process of obtaining the special use in 2012, specifically since there was a statement in staff's report stating that Mr. MacNeil agreed to the restrictive conditions, which she said he did not. Mr. Grayhill confirmed that parking for the proposal, at that time, would be handled and individually reviewed on a tenant by tenant basis by staff. Mr. Grayhill confirmed that he did meet with village staff prior to the buildings being constructed to confirm that the development would fall under the M-1 District. He stated there was no discussion of putting any restrictions on uses at the 2012 Plan Commission meeting. (O'Keefe submits copy of April 2, 2012 Plan Commission meeting minutes.) However, as to restrictions and the type of uses within the development, Ms. O'Keefe pointed out there was a reference to Planner Damir Latinovic stating that the only restrictions would be based on the parking requirements because it was anticipated they would be reviewed on a case by case basis, consistent with what staff stated tonight.

Discussing the May 1, 2012 village council hearing, Ms. O'Keefe confirmed with Mr. Grayhill that there were questions about the types of uses that could be used on-site but that there were no serious discussions of restrictions on uses that took place. Listening to the May 1, 2012 hearing herself, Ms. O'Keefe stated there were questions about the allowed uses in the M-1 District and concern about certain uses that could generate much traffic. However, she stated at that meeting that staff was asked to provide the council with a list of the uses that would be allowed in an M-1 District and that staff would provide that list to the council. There was no discussion about drafting an ordinance or eliminating the restrictions in the ordinance. Mr. Grayhill confirmed the prior statements.

Asked if Mr. Grayhill saw a copy of the draft ordinance before it went through the process, Mr. Grayhill stated he did not. He would not have agreed to the restrictions. Copies of the April 2, 2012 Plan Commission minutes, staff's report to the village board from the Plan Commission hearing, and the minutes from May 1, 2012 and May 15, 2012 Village Council hearings were provided by Ms. O'Keefe, who stated that nowhere within the documents was there an issue of such concerns being placed in writing about the restrictions to be placed. She said she found no record of the restrictions being discussed in a public setting.

Chairman Rickard interjected and asked if Ms. O'Keefe ever approached the village council or staff in the past to address her concerns as to what was or was not agreed upon wherein Ms. O'Keefe explained what took place, i.e., her client kept getting denied and so they decided to do some

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research into the matter. The reason she was bring this topic forward was that she wanted the commissioners to be aware of it “from an equity point of view” because her client was being forced to abide by something they did not agree to, yet go along in good faith, while other property owners were not expected to comply with the same restrictions. She stated this was her client’s chance to challenge the matter because her client did not even have a chance to file a petition.

Chairman Rickard invited the commissioners to ask questions. Mr. Thoman asked if anyone was present from MacNeil Real Estate at the village council meeting when the policy was voted on and approved? Mr. Grayhill stated he was present at the meeting and no restrictions were discussed which was why he had no need to speak. Ms. O’Keefe stated the public hearing was held on May 1, 2012 and she listened to the tape; no discussion of restrictions were voiced. Mr. Grayhill stated he was present and, again, said there was no discussion about restrictions.

Concern was raised by Mr. Thoman that this matter was moving into adjudication and outside the scope of this commission.

Chairman Rickard then opened up the meeting to public comment. No public comment received.

Ms. O’Keefe closed by summarizing how each of the three Standards for Approval were met and believed all three satisfied the requirements for the amendment and had no detrimental affect to the general health, welfare and safety of the public and there was no diminution of property values. Further supportive comments followed.

The chairman queried staff as to whether the uses that were excluded from this project, yet allowed in other M-1 districts, were due to the parking demand or because the uses in the specific project could be problematic. Ms. Leitschuh explained that the ratio 1.17 was for a low intensity M-1 use and there was the assumption that every tenant space would fall under the low intensity M-1 use but as soon as higher intensity uses were added, the 1.17 ratio increased to a 3.5 ratio per 1000 sq. feet and it became a multiplying effect and a future issue. She explained her response in greater detail.

Discussion moved toward some of the complaints that came from the site as it relates to parking. However, another commissioner pointed out that one of the witnesses stated there was no complaints received with regard to the site. Comments from the chairman included that as long as the parking worked and the uses were within the M-1 zoning, it should be fine. Staff even researched past documentation to find out how the restrictions changed and could not confirm it with documentation.

Mr. Quirk supported removing the restrictions, pointing out the Plan Commission, from its prior minutes, did not recommend the conditions and it was not an issue then and should not be an issue today. The applicant provided data to this commission and it was a hardship to them. As to how many uses would be added back to the list, Ms. Leitschuh proceeded to explain how the old ordinance had uses broken down by categories and provided examples of what types of uses would not be allowed, in general, under the M-1 zoning. Ms. Gassen pointed out, however, that some of the uses would have to come before the commission for approval anyway.

Per Ms. Johnson’s question on who would limit the restrictions for certain uses, Chairman Rickard indicated the Plan Commission could place restrictions on certain uses within the M-1 district that they felt could be problematic and the commission could recommend those uses be excluded.

Mr. Thoman voiced that he was trying to determine council's reasoning for the restrictions, which was why he was returning to the interior/exterior parking issue. In fact, he pointed out there were 55 units that were potentially taking public parking away. In viewing the slide he questioned why staff and the petitioner did not address adding diagonal parking at the eastern edge of the property which could have added 25 to 30 more spaces. Ultimately, he believed there was some common ground where the petitioner and the village could possibly work together to add some diagonal parking as well as add some permeable pavers at the southern retention area of the property. Furthermore, he questioned whether the commission could even make a recommendation to the council because the petitioner was challenging the council's restrictions.

Asked if there was anything to be gained by continuing this hearing Ms. Leitschuh stated staff went thoroughly through the files and documentation, and had even spoken to the senior staff members regarding this matter. Mr. Thoman could not understand why Standard Nos. 2 and 3 would be approved for all of the M-1 properties surrounding the petitioner's site but not for the petitioner. He believed the current project met all three special use requirements just as it did four years ago and could not find a good reason to vote against it. He did, however want the petitioner to consider additional parking.

**WITH RESPECT TO FILE 16-PLC-0033, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL AND THAT COUNCIL CONSIDER REPEALING THE SPECIAL USE CONDITIONS ASSOCIATED WITH SPECIAL USE ORDINANCE 5625 IN ORDER TO APPROVE THE PETITIONER'S REQUEST, SUBJECT TO THE FOLLOWING TWO (2) CONDITIONS LISTED IN STAFF'S REPORT:**

- 1) THE PETITIONER SHALL PROVIDE THE VILLAGE WITH UPDATED PARKING VACANCY NUMBERS FOR THE ENTIRE SITE WITH EVERY NEW TENANT USE; AND**
- 2) IF FUTURE TENANT USES ARE ALLOWABLE SPECIAL USES, PER THE RESULTS OF THIS PETITION, AN APPLICATION OF THE PLAN COMMISSION FOR APPROVAL OF THE SPECIAL USE MUST STILL BE SOUGHT.**

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

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

**NAY: NONE**

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

(The commission took at 3 minute break at 8:57 p.m. and reconvened at 9:00 p.m.)

**FILE 16-PLC-0036:** A petition seeking approval of a Special Use to operate an Animal Boarding business, a Parking Variation, and a Rezoning from O-RM, Office-Research-Manufacturing to B-2, General Retail Business. The property is currently zoned O-R-M, Office-Research-Manufacturing. The property is located to the south of the intersection of Maple Avenue and Rogers Street, approximately 220 feet to the southwest of Fairview Avenue, commonly known as 421 Maple

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Avenue, Downers Grove, IL (PIN 09-08- 227-002). Gregory Jones, Attorney to Doggie Depot, Inc., Petitioner; Chicago Title Land Trust Co. No. 6579, Owner.

Planner Scott Williams reviewed an aerial map of the subject site pointing out that Doggie Depot is proposing to move from its present location to the Maple Avenue site. The site is zoned Office/Research/Manufacturing (ORM) and is the only ORM zoning in the Fairview Focus Area. Mr. Williams reviewed the surrounding zoning of the subject site. Currently, the use was a retail/educational use in a one-story brick building. In 1985 the site was zoned ORM and staff believes it was due to the Future Land Use Map at that time and it was supported by staff at that time.

The petitioner is not proposing to make any changes to the site plan or building. Currently there are 39 non-code compliant parking spaces with two access points to the property – north to Maple Avenue and south to the commuter lot. Reviewing the site plan, Mr. Williams pointed out the location for the proposed 34 parking spaces, in order to meet ADA code compliance, and to provide for a landscape island and meet code. Also identified on the site plan was an outdoor play area for the dogs, the trash enclosure, a connection sidewalk to the two adjacent properties, and an asphalt area to be converted to address safety concerns. A floor plan was reviewed. Mr. Williams stated up to 100 dogs could be accommodated.

Mr. Williams drew commissioners' attention to the fact that the Future Land Use Map identified the site as Neighborhood Commercial which was why staff was recommending that the petitioner rezone from ORM to B-2 Business, based on the Fairview Focus Area and the nearby railroad station. The site was also identified as Catalyst Site 34 and the associated potential for transit-oriented development. While the proposed site will not be redeveloped, it is diversifying the types of business within walking distance of the train station. Mr. Williams explained how the use met the enhancement goals of the focus area overall.

Staff believed the proposal met all of the criteria for the rezoning to B-2 General Business. However, if the rezoning was not to be approved, Mr. Williams stated that the animal boarding use would not be permitted in the ORM district and so the petition could not be granted approval. The proposal met all the criteria for the Special Use and no complaints had been received regarding the petitioner's current animal boarding business. No member of the public contacted staff opposing the rezoning either. Mr. Williams stated the owner held a neighborhood meeting and no public attended the meeting.

Based on the 3.5 spaces per 1,000 square feet, any commercial use, subject to the rezoning, would have to apply for a variation request but Mr. Williams stated this was a non-conforming building predating the zoning code. Also, because the use was similar to a daycare center where patrons drop off dogs and pick them up later, the parking requirements for that were 2.0 spaces per 1,000 sq. feet. Lastly, Mr. Williams stated there would be no veterinary services on the site which would require stricter parking requirements.

Staff recommended approval of the petition, subject to the conditions listed in staff's report which the applicant was aware.

Responding to commissioner questions, the petitioner confirmed an 8-foot wooden fence (board on board) would surround the outdoor play area. Asked whether the rear exit would remain closed off,



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Mr. Williams said staff was trying to work that out with the cross-access easement and believed the petitioner and staff agreed that the current look of having temporary barriers “was not ideal.” The issue still needed to be worked out.

Representing the owners/petitioners, Brian and Colleen McLachlan, Attorney Greg Jones with Ansel Glink, 140 S. Dearborn St., Chicago, thanked staff for their assistance and for the fine presentation to the commission. Mr. Jones provided a history of his client’s full service dog care facility stating that over 1200 families were served across the state and approximately 500 families were served in the Downers Grove facility. Mr. Jones stated his clients needed more space and wanted to own their property. He referred to the 230 signed customer petitions in support of the McLachlans relocating to the Maple Avenue site and whom also supported the rezoning of the site and special use. The site offered a number of positives for the business – a better location, its close proximity to the train station, and its proximity to the community. It brought a neighborhood commercial use to the site.

In summary, Mr. Jones believed, in working with staff, the proposal was a “win-win.” The owners were proposing to invest in a fire suppression system, enhance pedestrian connectivity, and increase the landscaping. He offered to answer questions with his team present.

Per a question about the hours of grooming and training, Mr. Jones stated the business’s hours were from 6:30 AM to 6:30 PM and the majority of the training occurred with the dogs that were dropped off and stayed during the day. The two peak hours included a 90 minute window from 7:00 AM to 8:30 AM and then another peak window from 4:30 PM to 6:00 PM. The parking lot would have additional vehicles during those times but would then remain empty the remainder of time except for employee vehicles.

Chairman Rickard invited the public to speak. No public comment followed. No closing statement was received from the petitioner.

Asked who will pay for the sidewalk, Ms. Leitschuh explained that it is village policy for applicants making zoning entitlement requests to pay for it. Sidewalks are required by the zoning code and the comprehensive plan to enhance pedestrian connectivity, as pointed out by Mr. Williams.

Chairman Rickard closed the public hearing.

Asked who the granting body was for the cross access easement, Mr. Jones indicated it would be Doggie Depot and his client was amenable to the condition. However, his client also had some concerns about removing all limits to access, due to cut-through traffic and issues with families/dogs walking across the parking lot. Specifically, Mr. Jones explained that once the petitioner and staff agreed upon the “triggers” for the access to be removed, Doggie Depot could follow through with it. Staff agreed to discuss that matter with the petitioner. Mr. Williams added that the access agreement language would appear on the lot consolidation before any building permit would be issued.

**WITH RESPECT TO FILE 16-PLC-0036, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING THREE CONDITIONS IN STAFF’S REPORT:**

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1. **THE PROPOSED ZONING MAP AMENDMENT, SPECIAL USE AND PARKING VARIATION REQUESTS TO OPERATE AN ANIMAL BOARDING/KENNEL SERVICE SHALL SUBSTANTIALLY CONFORM TO THE PLANS PREPARED BY STUDIO 21 ARCHITECTS, DATED 9/1/16, ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES.**
2. **THE PETITIONER SHALL CONSOLIDATE THE TWO LOTS INTO A SINGLE LOT OF RECORD PURSUANT TO SECTION 20.507 OF THE SUBDIVISION ORDINANCE.**
3. **A CROSS ACCESS EASEMENT SHALL BE GRANTED BETWEEN THIS PROPERTY AND THE ADJACENT BNSF OWNED COMMUTER PARKING LOT.**

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

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

**NAY: NONE**

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

**FILE 16-PLC-0037:** A petition seeking approval of a final plat of subdivision to subdivide three lots into two lots. The property is currently zoned R-4, Residential Detached House 4. The property is located on the west side of Prince Street, approximately 150 feet north of Franklin Street. The addresses are 4824 Prince Street, 4825 Saratoga Avenue, and 1130 Franklin Street, Downers Grove, IL (PINs 09-08-107-014; 09-08-107-006; 09- 08107-016). Jeffrey and Melanie Crane, Petitioners; Jeffrey and Melanie Crane, and Fredric and Cynthia Zaeske, Owners.

Ms. Pandey reviewed the request for final plat of subdivision for the creation of two lots of record from three current lots of record, pointing out that the two properties – on Prince and on Saratoga were under common ownership, while the Franklin Street property was under a separate ownership. The property in question was a vacant parcel -- 4824 Prince Street -- which was proposed to be subdivided for consolidation with the property to the west and the property to the south. Plats of survey for the three properties were referenced. Once the properties are subdivided and consolidated, Ms. Pandey stated the properties would meet the R-4 zoning district.

The proposed plat of subdivision for the two parcels was referenced. Staff was of the understanding that the petitioner had no proposed improvements or structures to be made to the two parcels. And, Ms. Pandey announced that she was informed today that the petitioner at 4825 Saratoga had no plans to install a swimming pool, as mentioned in staff's report. Views of the properties were reviewed on the overhead monitor.

Per staff, the plat of subdivision complied with the zoning ordinance; however it partially complied with the Subdivision Ordinance because it did not really meet the bulk standards for one of the properties, but it did not increase any non-conformities; instead it brought the properties closer into compliance.

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Asked if there were any easements along the east property line of the Saratoga property that were going to be removed or relocated, Ms. Leitschuh stated there were no existing easements but when the new subdivision was to occur, there would be a new easement at the new rear property lot line. Details followed. Further discussion followed regarding easements being created and the fact that an easement would fall under the existing home (on Saratoga property). However, Ms. Leitschuh pointed out that the village would not require the petitioner to place an easement across the actual structure; staff would review and readjust that.

Minimum lot requirements under the Subdivision Ordinance were discussed in greater detail by Ms. Leitschuh. In closing, staff recommended approval subject to staff's conditions in its report.

Petitioner, Mr. Jeff Crane, 4825 Saratoga and owner of 4824 Prince Street, discussed that he originally purchased the property to extend his property and have a backyard. The vacant parcel at 4824 Prince Street did have a home on it, which was demolished about five years ago, and a fence was added for his dogs. Eventually, he said he put the property up for sale but was approached by a neighbor to purchase half of the property which he thought would add value to the area and also address drainage issues. Part of the property was located in an LPDA (flood plain) which he stated was a challenge for builders. He thought it was a good proposal and asked for the commission's approval.

Mr. Thoman asked if there was an electrical line running through the middle of his property, wherein Mr. Crane said everything was above ground, but nothing electrical; only immediately behind his residence. Mr. Quirk cautioned Mr. Crane to do an extensive title search to see if any easements did exist before he proposed any improvements on his property and also mentioned that once the subdivision was granted, it could not be reversed. Mr. Crane did not seem to see it as an issue as he wanted it for extra backyard space.

Further dialog followed regarding the LPDA and the fact that the subdivision will not change the character of the neighborhood at all, as pointed out by the chairman; Mr. Crane agreed with the positives the proposal brought to the neighborhood.

The public hearing was opened by the chairman.

Mr. Fred Zaeske, 1130 Franklin Street, pointed out that his home was the (Emerson) Foote House which former owner Emerson Foote and E.H. Prince designed and built the subdivision. He shared how the lot under discussion was part of that property which was later sold off. Historical details further followed with Mr. Zaeske believing that the lot was preserving the history of the area.

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

Reviewing the current survey and the distance of the house to the current property lines, Mr. Quirk pointed out that the entire north side of the current home would exist in a public utility easement and so he cautioned the owner of same. Ms. Gassen appreciated the petitioner coming forward with a very good proposal which was good for the neighborhood and brought the lots closer to compliance. Ms. Hogstrom said the subdivision was a positive for drainage and tree preservation.

Approved 10-03-2016

**WITH RESPECT TO FILE 16-PLC-0037, MS. HOGSTROM MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING TWO STAFF CONDITIONS:**

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION PREPARED BY PROFESSIONAL LAND SURVEYING, INC. DATED 08-11-2016, LAST REVISED ON 9/2/16.**
- 2. THE FENCE ON THE VACANT PARCEL AT 4824 PRINCE STREET MUST BE REMOVED/RELOCATED PRIOR TO THE APPROVAL OF THE FINAL PLAT OF SUBDIVISION.**

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

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

**NAY: NONE**

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

Per staff, there will be an October Plan Commission meeting.

**THE MEETING WAS ADJOURNED AT 10:08 P.M. ON MOTION BY MS. GASSEN, SECONDED BY MR. QUIRK. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 6-0.**

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