

APPROVED

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

MINUTES FOR OCTOBER 2, 2017

Chairman Rickard called the October 2, 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. Johnson, Mr. Kulovany, Mr. Maurer, Mr. Quirk, Ms. Rollins, Ex. Officio Mr. Miller

ABSENT: Ex. Officio members Livorsi & Menninga

STAFF: Village Sr. Planner Rebecca Leitschuh
Planner Swati Pandey

VISITORS: Scott Richards, 1130 Warren Avenue, Downers Grove; Cinda Lester, 12/12 Architects, 644 67th St.; T. Khan 1543 Ogden; Ernest Anderson, 1723 Janet St.; Pat & Julie Tyree, 4409 Downers Dr.

APPROVAL OF MINUTES: August 28, 2017 meeting

Mr. Kulovany moved, seconded by Ms. Johnson to approve the minutes for the August 28, 2017 meeting.

AYES: Mr. Kulovany, Ms. Johnson, Ms. Gassen, Mr. Maurer, Mr. Quirk,
Ms. Rollins, Ch. Rickard

NAYS: None

ABSTAIN: Mr. Boyle

The Motion to approve the minutes as presented passed 7:0:1.

Chairman Rickard reviewed the procedures to be followed for the meeting, explaining that the Plan Commission is a recommending body for the petitions on the Agenda. Once the Public Hearing portion of the meeting is closed, the Plan Commission members will deliberate to recommend approval, recommend approval with conditions or recommend denial of the petition. That recommendation will be forwarded to the Village Council together with all supporting documentation on the petitions. The Village Council will make final decisions at a future date. He reviewed the subject matter of the petitions on the Agenda, and then asked all individuals intending to speak during the public hearings to rise and be sworn in.

Ch. Rickard noted that a request has been made to continue the first petition on the Agenda.

PUBLIC HEARING

FILE 17-PLC 0014 – A petition seeking approval of a Special Use and Setback Variation to allow a drive-through restaurant facility, a Special Use for a gas station a Final Plat of Subdivision, and an alley vacation. The property is zoned B-3, General Services and Highway Business. The property is located at the southeast corner at the intersection of Ogden Avenue and Belmont Road, commonly known as 2125 Ogden Avenue, Downers Grove, IL (PIN 08-01-405-042). C.M. Lavoie & Associates, Petitioner and Powermart Real Estate Downers Grove #3, LLC, Owner.

Ms. Rebecca Leitschuh, Sr. Planner for the Village said that the petitioner has requested the continuation to obtain additional information to present to Staff and the Plan Commission. The continuation is requested for the November meeting, pending the Plan Commission's approval.

Mr. Kulovany moved to continue Item 17-PLC-0014 to November 6, 2017. Mr. Quirk seconded the Motion. All in favor. The Motion to continue passed unanimously.



FILE 17-PLC-0016: A petition seeking approval of a Special Use to allow an automobile dealership. The property is zoned B-3, General Services and Highway Business. The property is located at the southeast corner of the intersection of Ogden Avenue and Downers Drive, commonly known as 1543 Ogden Avenue, Downers Grove, IL (PIN 09-06-404-001). 10301530 LLC, Petitioner and Owner.

Swati Pandey, Planner for the Village of Downers Grove, stated that the petitioner is requesting a Special Use to allow an automobile dealership at 1543 Ogden Avenue. The subject property is located at the southeast corner of Ogden Avenue and Downers Drive and is zoned B-3 General Services and Highway Business District. The north, west and east surrounding properties are also zoned B-3, and the property to the south of the subject site is zoned R-1 Residential Detached House 1. The current property is a former used car dealership and has been vacant a number of years. There is an existing small one-story commercial building and a surface parking lot. The petitioner proposes an automobile dealership with outdoor display of vehicles. Ms. Pandey showed a plat of survey for the site depicting two curb cuts on Ogden Avenue. One of those curb cuts will be removed. The curb cut on Downers Drive will be maintained as is. The sidewalk on Ogden Avenue and a portion of the parkway is on private property. Ms. Pandey stated that the petitioner has agreed to provide easement to the Village of Downers Grove for maintenance purposes for the sidewalk. She displayed a photograph of the property showing the curb cuts. The petitioner has also agreed to remove the bollards across both Ogden Avenue and Downers Drive. Improvements include removal of the curb cut, surfacing, replacing and repairing the parking lot, and pedestrian access from the front door of the building to Downers Drive. Improvements to the building include repairing and upgrading of the interior of the building per building Code requirements as well as painting of the building. Additional landscaping will be added. The parking lot will be striped with 15 spaces dedicated for the outdoor display

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of vehicles. The remaining spaces will be dedicated for customer parking, and the amount of spaces provided meets the minimum requirements for this site. There is a significant amount of landscaping. The petitioner proposes additional landscaping around the perimeter of the property along Ogden Avenue and Downers Drive. Landscape islands will be at the end of all parking rows. Ms. Pandey then reviewed the photometric plan, saying it is in compliance with the Zoning Ordinance, and the illumination levels at the property line meet the minimum requirements. The petitioner has stated that no new fixtures will be added as part of this project. She also showed a photograph of the recently painted building, which will primarily serve as an office space with no storage of vehicles.

Ms. Pandey presented the zoning analysis, saying that most of the requirements such as setbacks have been met with the exception of the parking lot setback on the street side along Downers Drive. There is an 8' setback requirement; however, only 3' exists. Staff is recommending that the minimum requirement for street yard setback along Downers Drive be met as part of this application. All other Zoning Ordinance requirements have been met. Ms. Pandey displayed a visual representation of the setback that Staff is recommending be increased to meet the minimum requirement.

The proposal meets the Comprehensive Plan goals and is designated as Corridor Commercial. The Comprehensive Plan calls for aesthetic and functional improvements, commercial uses for both local and regional customers, etc.

Staff finds that the proposal meets the criteria for approval under Section 28.12.050.H. The automobile dealership is an authorized Special Use in the district in which it is to be located. The proposed use is a necessary or desirable use to provide a service or a facility that is in the interest of public convenience. The long-standing vacant property will be revitalized and will include additional landscaping, pedestrian access and the reduction of curb cuts along Ogden Avenue will be beneficial to the community. The use is also not detrimental to the health, safety or general welfare of the community. Ms. Pandey said that Staff recommends a positive recommendation from the Plan Commission to the Village Council subject to the conditions listed on pages 4-5 of Staff's report dated October 2, 2017.

Mr. Quirk asked why they are not simply resubmitting drawings with the increased setback along Downers Drive, as recommended in #2 of Staff's report. Ms. Pandey replied that the applicant is present at the meeting and Staff has discussed this increase in setback with them. The applicant does not want to increase the setback, although Staff has not been able to find a sufficient hardship on the part of the petitioner to be able to support leaving the setback as is. There is enough room on the site to increase the setback without affecting the functionality of the site.

A Commissioner then referred to a statement in the applicant's report that says "relative to the independence of the adjacent business." Ms. Pandey said that when there is a Special Use application, that is a standard condition added to assure that the operations will be separate with no movement of employees or vehicles being moved back and forth between properties.

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Another question was raised by Ms. Rollins regarding parking, as the applicant's report shows that a short segment of Downers Drive is used by an adjacent dealership. She drove by the site and it appears that the segment is constantly full of cars. She asked if there is a requirement for employee parking, or if the Village is encouraging employees to park on the streets. Ms. Pandey said there is no recommendation to add employee parking on a public street. Ms. Leitschuh added that in the parking calculation employee parking is taken into account. Theoretically this will have one employee, and three parking spaces have been provided in the calculations for an employee and customers. The Village has no way to restrict employees from parking on a public street during business hours.

Ms. Johnson raised a question regarding fire prevention, noting Staff's Condition #7 requiring that the building be equipped with an automatic and manual fire alarm system. She asked if sprinklers are not required. Ms. Pandey replied that the Fire Department's report is that the size of the building does not trigger a requirement for sprinklers.

Mr. Maurer said that on the site plan he noticed on the Ogden street side there is a 50' parking setback shown which doesn't appear to be to scale. It is where the curb section is being replaced. He said there is a 75' setback line on the drawing. Ms. Leitschuh said the 50' setback is for parking, and the 75' setback is for the building. Mr. Maurer said he didn't think it appeared to be to scale on the site plan. Ms. Pandey explained that the measurements are taken from the centerline of Ogden Avenue.

Mr. Maurer then referenced the 3' between the curbs where cars will be on display. In the past there has been a concern that cars displayed on Ogden block the sidewalk not providing enough distance for pedestrians to pass. He would also like to know how they can assure that no cars are being displayed on the sidewalk. Ms. Pandey said that the sidewalk is on private property. Mr. Maurer asked if it can be stated in the easement, and Ms. Pandey said it is a maintenance easement. Ms. Leitschuh said they have to park in a dedicated parking space and cannot park on the sidewalk areas. If they park in an unapproved area the Village will have the ability to enforce that.

Mr. Kulovany asked about the east parking setback and whether there is a requirement for a setback. Ms. Pandey said there is no setback between commercial-to-commercial properties.

Mr. Quirk said the plans don't reflect any resurfacing or repaving of the lot. Ms. Pandey replied that the narrative talks about that and they state they will be restriping, resurfacing, repairing and resealing the parking lot. Mr. Quirk said he is looking at the paving plan that indicates that everything concrete is labeled "to remain" and that concerns him.

Ms. Leitschuh said they are pouring new curbs. From Staff's perspective it is an existing site, and with the addition of the curbing, removing the bollards, and adding landscaping, they are comfortable with those plans to replace what needs to be replaced.

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Regarding the public sidewalk located on the private property, and the petitioner providing easement to the public sidewalk, Ms. Leitschuh said that applies to the sidewalk on Ogden, and not on Downers Drive.

Petitioner's Presentation:

Mr. T. Khan residing at 6450 Fairview, Downers Grove stated he was the property manager and represented the owner of the property at 1543 Ogden Avenue. They appreciate the opportunity to bring this site back to life, as it has been an eyesore for a long time. They acquired it recently and are doing their best to reactivate the site. It has a lot of challenges in its size and irregular shape. Inserting islands to conform to the Code limits their ability to do what they want to for the future. They are looking to minimize their investment right now, and they have plans for future improvements of the building and parking area. They have discussed the vacation of Downers Drive with Staff for some future time, as it is a dead end. They do not have employees parking on Downers Drive. Adjacent businesses do use it for overflow parking. Mr. Khan said they hope to come back to the Village some time in the future to discuss that potential. As for the setback on Ogden Avenue, he said they might want to move the sidewalk further up from their property. They are installing curbs so as not to overflow cars parking on the sidewalk. The 5' setback along Downers Drive is something they would like to hinder as little as possible. Adding more concrete to be torn out in the future would be a concern. They are trying to minimize their costs right now. As far as adjacent businesses, Mr. Khan said adjacent businesses do not own this property and do not manage the property.

Mr. Quirk said one of the plans did not address any additional stormwater runoff. Mr. Khan said that to eliminate the curb cut they had to go to IDOT and IDOT's calculations for stormwater indicated that no additional stormwater drainage was necessary with the modifications being planned.

Ms. Gassen asked for elaboration on the 3' versus 8' setback, and how it would affect or restrict the number of parking spaces. Mr. Khan said with the 8' setback they would still be able to have the proposed number of parking spaces.

In response to Mr. Kulovany, Mr. Khan said they are not planning to use the 5' difference in setback for additional parking.

Mr. Khan said they plan to repair the site and make it look better.

There being no further questions from the Commission members, Ch. Rickard called upon comments or questions from the public.

1. Scott Richards of 1130 Warren Avenue said he lived for twelve years in the apartment building that overlooks this lot. He said it was a car dealership before. Right now there are 29 dealers from Cass Avenue to I-355. He is curious because they are seeing small parcels becoming available on Ogden that are being converted into used car lots. He asked how much homework has been put into approving these dealerships.

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Ch. Rickard replied that the Plan Commission's job is to review the application at hand, and not to determine marketability.

As far as parking on Downers Drive, Mr. Richards said most of that is from employees from the car wash as they have no place on that site to park. They often park in the apartment complex lot that he lived in previously. He also pointed out that there are Village Ordinances regarding parking on the sidewalks and in the parkways.

2. William Tyree of 4409 Downers Drive asked about the cul de sac and whether it will be impacted by this plan. There is a split-rail fence running down Downers Drive to prevent test-driving down their street. He wanted to make sure the split-rail fence will remain.

3. Cinda Lester of 12/12 Architects, residing at 644 67th Street in Downers Grove, is providing no architectural work on this project. She said that nothing will be done with the split-rail fence on Downers Drive. As for stormwater, the issue is the low point on the site is the easternmost access drive to Ogden Avenue. There were several meetings with Staff and the civil engineers, as well as IDOT. Because the low spot is already moving the water to Ogden Avenue it made no sense to redirect the stormwater. IDOT agreed this is the best scenario. In further response, Ms. Lester said she has no idea where the IDOT system drains. She said there has also been discussion with the adjacent property owner regarding the vacation of Downers Drive. Ideally that is something the petitioner would like to pursue. They want to do as much with the property right now to make it function without overspending.

Ms. Leitschuh said that any discussion concerning potential future vacation of a street should not be before the Board since that is not part of the application before the Plan Commission. Chairman Rickard agreed.

Mr. Khan said they are grateful for the opportunity to bring their application to the Plan Commission.

4. Andy Chernyviski of 4321 Downers Drive asked if the lights would be on all night, and he was told by the petitioner that they would not be on all night. He also asked about the screening, saying there is a power right-of-way between his property and the subject property. He would like to see the screening stay there right now as a fence will not work as a barrier.

Ch. Rickard commented that there are no changes being proposed along that area as far as landscaping is concerned.

There being no further comments, Chairman Rickard closed the public hearing.



Ms. Johnson brought up what she referred to as the elephant in the room that is the 3' setback versus the 8' setback. She said she personally would not make a decision based on what someone is planning to do in the future, as that could change. From a Plan Commission Meeting Oct. 2, 2017

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cost perspective, he is already putting in curbs and is already tearing out asphalt, and she thinks the additional expense incurred by increasing that from 3' to 8' is minimal. She would agree to requiring the 8' setback.

Mr. Quirk said that he doesn't see a plan that meets the Village's standards. If they grant a Special Use to a completely unknown entity, the Special Use can be sold, rented, leased, and the Village has no control over what can happen on that property. There is no real improvement to Ogden Avenue, and he sees that as the goal right now. He would like to take 30 more days to refresh the plan and tell the Commission how the property can be rather than asking the Commission to trust them with their future plans. The site is in terrible disrepair, and he would encourage a 30-day extension to refresh the plan.

A Commissioner said she would have to agree because when she drove by the property her thought was how much better it would look if it was resurfaced; however, the plan stated "asphalt to remain" repeatedly, and there is just so much that a sealer is going to cover.

Ms. Gassen asked for clarification that one of the conditions would be to provide the 8' setback, and she expected that the plan would then be revised. Ms. Leitschuh said that was correct.

Mr. Boyle agreed with Ms. Johnson's comments that the cost is hardly measureable. And since there is such minimal work being done he doesn't see complying with adding on the 5' setback to increase the setback to 8' as problematic. He would only support this if that was being done, especially in light of the fact that not much else is being done. He doesn't think holding this up is necessary now. If the 8' setback is met he could support this.

Ms. Gassen said that it has been vacant for a while, and she is fine with the 8' requirement. She would like to see some activity there rather than having it remain vacant and hope for something better to come along.

Mr. Kulovany commented that the 3' versus 8' doesn't bother him that much. There is nothing in the plan to actually represent an aesthetic improvement. It offers very little other than reactivating the site. He would like some indication of what it would look like, such as signage, etc.

Ch. Rickard asked Staff about some conflict with what was submitted. He said the asphalt on the property is going to be repaired, seal coated and restriped. They will also add concrete curb. Ms. Leitschuh responded that the site will be spot repaired and seal coated and restriped across the entire site.

Ms. Lester replied that the plan is not to dig up the entire parking area. It is to resurface the lot. Ch. Rickard asked if they are going to resurface or seal coat the site. Mr. Khan replied it would be a combination of both. There are a lot of different layers of asphalt on the site and it needs to be leveled first. It will then be resurfaced and resealed. Ch. Rickard asked if they will be putting a new surface course of asphalt across the parking

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lot. Mr. Khan replied that where the concrete portions are, they will be resurfaced. The existing asphalt that doesn't need to be replaced and leveled will be seal coated. Ch. Rickard clarified that the existing concrete pavement within the lot will stay as is, but some areas of the existing asphalt after removal will be patched with new asphalt and then resealed. The lot will then be restriped. Mr. Khan said it will look new as it will be fully patched, leveled and resealed. There will be no grass growing out of the parking lot. They are not cutting corners. It will have an aesthetic feeling and will be beautiful.

Mr. Kulovany said the condition of the parking lot is his concern as well. Putting in another layer of asphalt can make an amazing difference.

Ms. Rollins asked about signage, and Ms. Pandey said signage is not part of the application. Ms. Leitschuh said that they do not bring signage to the Plan Commission. Staff requests that the applicant not bring signage to the Commission as it can create issues if it does not meet the Sign Ordinance requirements.

A Commissioner said that regarding the sidewalk in the redevelopment process they are leaving a bit of sidewalk on the north untouched, and that allows him to be more lenient in how he views it. They are adding green space and improving an otherwise unused street. He doesn't know why they are not proposing a new sidewalk to beautify Ogden and move the parking towards Ogden. That might enhance the property by pulling the cars toward the street. He noted it is a vacant lot that's been sitting there for ten years, so he can support it as submitted, as long as the improvements are made. He asked how long the Special Use lasts, and Ms. Leitschuh said a Special Use goes with the land. The petitioner would have to come in within six months for a permit to implement their changes. Ms. Pandey also said that a Certificate of Occupancy has to show that there are no new operations being added to the Special Use that was approved.

Mr. Quirk asked that they add the following language to the conditions in the recommendation:

- 10) That in the existing parking lot where it's indicated on the plan as "asphalt to remain" that all vegetation will be removed, all deterioration or pavement failures will be restored, and the entire asphalt site will be seal coated.

Ch. Rickard said he felt that was acceptable as an addition. He agrees with Staff that all three standards have been met for approval. All Commission members also agree that the standards have been met.

Ms. Gassen moved that with respect to File 17-PLC-0016 that the Plan Commission forward a positive recommendation to the Village Council for the Special Use, subject to the nine conditions listed in the Staff report on pages 4 and 5, with the additional 10th condition requested by Mr. Quirk. Ms. Johnson seconded the Motion. All in favor. The Motion passed unanimously.

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Ms. Leitschuh said there has been no replacement made for Ms. Hogstrom at this time.
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Chairman Rickard adjourned the meeting at 8:12 PM.

Respectfully submitted,

Tonie Harrington,
Recording Secretary
(transcribed from recording)