

Approved 11-7-2016

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

OCTOBER 3, 2016, 7:00 P.M.

Chairman Rickard called the October 3, 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. Boyle, Mr. Cronin, Ms. Gassen, Ms. Hogstrom, Ms. Johnson, Mr. Maurer, Mr. Thoman

ABSENT: Mr. Quirk

STAFF: Senior Planner Rebecca Leitschuh

VISITORS: Mr. Rich Kulovany, 6825 Camden, Downers Grove; Mr. Jim Wilkinson, 1125 Black Oak, Downers Grove; Mr. Michael Cassa, 5159 Mochel, Downers Grove and president of Downers Grove Economic Development Corporation

APPROVAL OF MINUTES

SEPTEMBER 12, 2016 MINUTES – MOTION BY MR. THOMAN, SECONDED BY MS. HOGSTROM, TO APPROVE THE MINUTES AS PRESENTED. MOTION CARRIED BY VOICE VOTE OF 7-0-1 (MR. CRONIN ABSTAINS)

PUBLIC HEARINGS:

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

FILE 16-PLC-0043: A petition seeking to amend various Articles within Chapter 28 of the Municipal Code to allow offsite vehicle storage for automobile dealerships as a Special Use in the M-1, Light Manufacturing zoning district. Village of Downers Grove, Petitioner.

Representing the village and petitioner, Senior Planner, Rebecca Leitschuh briefed the commissioners on the proposal that was a text amendment to the Zoning Ordinance to allow for automobile dealership off-site vehicle storage as a special use in the M-1 Light Manufacturing zoning district. Ms. Leitschuh identified three M-1 zoning areas in the village, explaining that tonight's discussion would pertain only to these sites for the zoning amendment request. She reminded the commissioners that the village's comprehensive plan focuses on the Ogden Avenue Corridor, which one of the goals is to continue to develop the auto industry along that corridor. However, she pointed out that lots were shallow and were developed when car dealerships, general commercial, and general manufacturing had different needs for lot sizes, resulting in built-out and

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adjoining properties, which created a challenge for dealerships to expand north or south on their property. Additionally, established residential districts sat near these sites.

Ms. Leitschuh summarized that since the recession, many smaller dealerships merged, creating larger dealerships which now have the expectation to have larger inventory. She further explained that the special use, along with staff's conditions, will provide a transparent public review process for off-site storage for each request. Details followed regarding the conditions that would need to be satisfied. (A review of Table 5-1 of the zoning ordinance followed as well as staff identifying the category of where the special use would be placed within the table.) Along with the table modification, Ms. Leitschuh stated that a text amendment adding a specific definition was also being requested by the village, wherein staff read the definition and where the text would be placed within the ordinance -- Vehicles, Sales and Service.

It was pointed out by staff that the special use request will have to meet the regular three (3) requirements of Section 12.050.h of the zoning ordinance as well as meet the requirements of a new Section 6.190, *Automobile Dealership Off-Site Vehicle Storage, A. Performance Standards*. Details of the nine (9) requirements under the new section were read by staff.

Next, a review of the two criteria required (under Section 12.020.F) for a zoning text amendment followed. Per staff, the first criteria addressed whether the amendment was in conformity with the policy and intent of the comprehensive plan. Ms. Leitschuh provided a detail summary of how this criteria was met. The second criteria addressed whether the proposed text amendment corrected an error/inconsistency in the zoning ordinance, whether it met the challenge of a changing condition or was necessary to implement an established policy. Again, staff reviewed how the criteria was met as it pertained to meeting the challenge of a changing condition.

Chairman Rickard questioned staff as to where loading/unloading of vehicles at these off-site areas would take place. Was it treated differently than Ogden Avenue, and would it be site-specific? Leitschuh indicated staff did not get into detailed discussion on that matter but offered to look into it if that was the commission's desire.

Ms. Leitschuh then confirmed that if businesses could show, through the process, they had surplus parking on-site, they could sign an agreement and provide off-site storage of vehicles, allowing two different businesses to operate on the same property.

Mr. Maurer pointed out how that was addressed currently in Section 6.190.3 but said there was some confusion/contradiction between "required spaces," "excess spaces," and "available spaces" that needed clarification. He suggested considering the longer range implications where a dealership can consider purchasing a lot entirely and fill it with surplus parking. In that scenario, he added, there was no existing use, no surplus was available and it could be a situation that could occur. An example followed. Mr. Maurer stated he wanted some flexibility for the dealerships.

Other questions followed on how staff would handle a business changing its use with a current parking agreement; could a dealership purchase a separate lot for the specific purpose of excess inventory; could a dealership have a parking garage/structure; and what was the term of an agreement? The chairman and other commissioners saw this no different than a business leasing office space. Instead, it was leasing asphalt with a timeline agreed to by two parties.

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Ms. Leitschuh proceeded to explain in detail the difference between the proposed use under discussion versus the existing *Parking, Non-Accessory* use for commissioners. The proposed use was for storage which she felt could be misleading, since it fell under the Vehicle, Sales and Service section. The chairman, commenting on a personal experience, proceeded to ask if the size of the parking stalls would be enforced and what size would they have to be? Staff confirmed all of the village's parking standards would have to be met, including the dimensions for aisles and spaces. As for loading/unloading vehicles, Leitschuh stated that Public Works normally does not encourage loading/unloading of vehicles on public streets. It was something that staff did not discuss but felt that the activity would be operating under the village's parking standards.

Other questions/comments followed regarding when landscaping would be required; the fact that this was a good opportunity to make use of unused parking that should not have been constructed in the first place; how would security be addressed; and a comment that the screening seemed slightly extreme for the M-1 district. Staff believed the screening protected the residents even though some residents already lived next to an M district.

The chairman invited the public to speak.

Mr. Michael Cassa, president of the Downers Grove Economic Development Corporation ("EDC"), 5159 Mochel, Downers Grove, explained that his company was contacted by two auto dealerships who had inquired whether there was a way they could store vehicles off-site either on a temporary or seasonal basis due to lack of space at their current locations, due to lot and depth issues.

Mr. Cassa relayed that the EDC was not able to identify potential sites for auto site storage that met the village's current code requirement -- that M-1 sites must be fully screened -- which was the issue. He explained that the inventory capacity that auto dealers on Ogden Avenue have a direct impact in the dealer's opportunity to generate vehicle sales and sales tax revenue and that auto companies monitor the sales inventory and capacity of their dealerships. It was also unrealistic, he said to expect an owner of an M-1 property to permit/pay for a fully screened fence for a short-term/seasonal ground lease. Mr. Cassa provided a couple of scenarios and pointed out there would be costs associated for the insurance and security, time involved, and existing vehicles would have to be driven to the off-site lots while vehicles were being unloaded at the dealership. The restrictions being recommended to be put in place were too much for something he considered a temporary issue. This matter would be a last resort for dealers that had no more room on their lot.

Mr. Cassa believed that not many property owners would be lining up for this initiative because many did not want to take on the liability and the hassle of cars parking in their lot, nor installing a fence for a short period of time. Neither was the dealership interested in the costs. Lastly, he said the M-1 district provided a further challenge. While he believed the village's proposal was not going to address every issue for every dealer on Ogden Avenue, it offered to the existing dealerships a potential solution if they were willing to go through the village's process and locate a site that would allow them to park their vehicles. For new dealerships, it provided them an opportunity to park cars temporarily.

In summary, Mr. Cassa said the EDC supported the proposed text amendment.

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Mr. Cronin questioned the length of the process for a dealership to even get approved. He recommended that the property owner obtain the parking study and not the dealership, as well as make the process easier in general.

Mr. Cassa relayed that the few property owners he did speak to did not want to bear the costs or time associated with the process and that it should be the dealer that has to bear those costs/liability. However, the property owners that did want to lease their spaces but had no screening, said they would do it as long as the dealership would do the work and pay the costs. It was not the primary business of the property owner.

Taking into consideration Mr. Cronin's comments about making the process easier, Ms. Leitschuh stated that staff would have to investigate it as a more significant change to the zoning ordinance and making the process a "permitted by right" type of use, which the village had never done.

Discussion then was raised on how long a parking study would take, the costs involved, and the length of the application process for the special use.

Mr. Cassa elaborated on the various scenarios that could take place under this text amendment. Ms. Leitschuh reiterated the reason why staff recommended this request going through the more intense special use process was because the village, in general, did not allow outside storage and it was not desirable in a community because a community does not want to see it. She explained what happens when the process becomes relaxed for other uses.

The chairman pointed out that while the amendment was considered "vehicle storage," the locations would have to include standard size parking stalls, aisles, and all parking requirements that were in place. The special use allowed the commission to review applications on a per project basis because there was something unique about them. However, he was struggling with the idea of having an 8-ft. fence for a parking lot when, in fact, it looked like a parking lot and, if anything, the fence would be the larger impact to the neighborhood. The chairman was also trying to lessen a formal process.

Ms. Johnson raised the idea that a specific time period could determine if a fence gets installed or not. One or two days, there may not be a need for a fence; however, if longer periods of time were needed, then a fence would be required. Mr. Cassa, again, stated the issue was not the screening so much as finding the site and a willing property owner.

Mr. Rich Kulovany, 6825 Camden, Downers Grove, who works for One-Way Ministries on Ogden Avenue explained his own experience working with the Honda dealership across the street. He explained the ministries building he works in has an unused parking lot on the east side which the Honda dealership leases on a temporary basis – six weeks or 6 months. It became a win-win for both parties. However, he questioned staff regarding the goal of the screening. Personally, he believed a fence would have been a detriment to the ministry because of its existing landscaping.

Mr. Jim Wilkinson, 1125 Black Oak, Downers Grove, and a commissioner on the village's Transportation and Parking Commission, stated his concern was that the concept would be spread around the village and would eventually trickle down to the neighborhoods, with residents complaining about on-street parking and congestion. He believed the issues to be a reoccurring yet temporary issue by the dealerships. Mr. Wilkinson suggested considering a long-term solution, such

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as that done by the City of Naperville, where all of the dealerships had access to an expanding/contracting parking area as well as a test track. He said it would have to be a joint venture. He proceeded to read parts of a news article regarding the test track, but stated that nine acres was available on Finley Road and it could be a joint venture to acquire the land.

Mr. Cassa returned and summarized that the village competes with itself and not Naperville. The concern was that the area the village had, as it relates to car dealerships, included Downers Grove, Westmont and Lisle, with Westmont not having any lot depth issues. He explained that if Downers Grove loses a dealership to Westmont, it was because enough acreage was provided for that dealership. He emphasized that he did not want to see car dealerships leaving the village because their company was going to strip them of their dealership franchise because not enough inventory was being carried in. Having the temporary sites would allow that. Mr. Cassa reinforced his statement that the village's comprehensive plan, sales tax enhancement plan, and the EDC's strategic plan, emphasized that the village should remain competitive and also be the destination for car dealerships in the Westmont-Lisle-Downers Grove corridor.

For his own clarification, Chairman Rickard understood from Mr. Cassa that the process would not be the hindrance, but instead would be the costs associated with the improvements to the property; otherwise, if a dealership did locate a property in an M-1 district, it would be a one-time process to "qualify" the property owner to take the cars. Furthermore, he understood that the property owner did not necessarily have to limit itself to one dealership. The chairman believed it simplified the process, as long as there were no major changes to a property.

Should this proposal be approved by village council, Mr. Cassa said that he would contact the two dealerships and tell them to locate a site and strike a deal now with the property owners.

Ms. Leitschuh returned and explained to the commissioners that the category use for this proposal was like a hybrid in that if an application were to qualify it as parking, then it would have to meet the parking requirements. If one was constructing a development to the parking standards, then landscaping islands and perimeter screening would have to be done. But this proposal, she described, was less parking and more storage, which was why staff was limiting it to the M-1 district – to have more restrictive standards yet have some relaxed standards.

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

Very briefly, Ms. Leitschuh summarized how other communities were addressing this issue: Westmont and Aurora had certain areas requiring special uses and certain areas for "by-right" without screening; Schaumburg allowed one lot as a storage lot with a special use including compliance with its landscape ordinance; Elmhurst did not allowed at all as a primary use on site.

Chairman Rickard shared his thoughts that the issue should remain a special use due to some M-1 districts being located directly across from residences which could be impacted. The village needed the ability to review special cases to determine whether the use would work in that location or adjust what was being proposed due to the proximity to any residences. He felt the 8-ft. fence requirement could be "backed off" especially where smaller lots existed because the fact was, it already looked like a parking lot and what would be the purpose? Ms. Gassen also concurred with the chairman's comments.

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Other commissioner comments included: whether the neighbors would be allowed to “weigh in” on any headlight issue; the challenges of some neighbors wanting a fence while others may not; and the fact that some people know what they are getting into when they move next to a parking lot.

Mr. Cronin recommended not requiring the individual parking study to which Ms. Leitschuh stated such issue would come before the Plan Commission to review and it would determine the threshold for the applicant. Ms. Leitschuh walked through what would be required when conducting a parking study, either by the applicant or by an individual traffic consultant. She also added that a formal study provides more confidence that the parking demand is met. Personally, the chairman believed that a parking study was less costly than a formal traffic study, especially when doing a parking study for functionality. Conversation followed on various examples that could be used for a parking study.

Referring to the two standards required to meet the zoning text amendment, the chairman was confident the two standards were met. He asked the commissioners if they were in agreement. No opposition was voiced. The chairman entertained a motion to be made with any adjustments to staff’s conditions.

Regarding the fence, staff requested that when the commissioners discuss it, to clarify between the fencing and landscaping requirements or both. Ms. Johnson suggested that the village’s proposal meet the landscaping/screening requirements of a parking lot (i.e., for a new parking lot or one undergoing development/construction).

WITH RESPECT TO FILE 16-PLC-0043, MS. JOHNSON MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL THAT INCLUDES THE APPROVED AMENDMENT TO PLACE OFF-SITE STORAGE AUTOMOBILES INTO TABLE 5-1 AND INCLUDE THE 9 SPECIAL USE REQUIREMENTS PROPOSED, WITH THE EXCEPTION OF THE SCREENING (FENCING) AND LANDSCAPING FOR THE ENTIRE STORAGE AREA WHEN THE PROPERTY IS WITHIN 100 FEET OF THE RESIDENTIAL. IN LIEU OF, THE PLAN COMMISSION RECOMMENDS SCREENING AND LANDSCAPING MEETING THE REQUIREMENTS OF A “PARKING LOT.”

SECONDED BY MS. GASSEN. ROLL CALL:

AYE: MS. JOHNSON, MS. GASSEN, MR. BOYLE, MR. CRONIN, MS. HOGSTROM, MR. MAURER, MR. THOMAN, CHAIRMAN RICKARD.

NAY: NONE

MOTION PASSED. VOTE: 8-0

Ms. Leitschuh announced that tomorrow the Village Council will be discussing the Downtown Focus Area and encouraged all to attend. On Wednesday, October 5th, the Comprehensive Plan Committee will be reviewing the village’s comprehensive plan. In December, the plan will be reviewed by this commission. Leitschuh asked for the commissioners’ availability on December 19, 2016 for a second meeting, if necessary.

Chairman Rickard introduced new commissioners Mike Boyle and Mike Maurer.

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**THE MEETING WAS ADJOURNED AT 8:51 P.M. ON MOTION BY MR. THOMAN,
SECONDED BY MS. GASSEN. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE
OF 8-0.**

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