

APPROVED 10/28/13

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

OCTOBER 7, 2013, 7:00 P.M.

Chairman Webster called the October 7, 2013 meeting of the Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and the public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Webster, Mr. Beggs, Mr. Cozzo, Mrs. Rabatah, Mr. Rickard, Ms. Urban, Mr. Waechtler; ex-officios Lupescu and Souter

ABSENT: Mr. Matejczyk, Mr. Quirk

STAFF PRESENT: Community Development Planning Dir. Tom Dabareiner; Senior Planner Stan Popovich and Planner Kelley Chrisee

VISITORS: Ms. Marge Earl, 4720 Florence; Mr. Mark Finch, 2735 Kings Ridge; Mr. Wayne Zeimer; Mr. Kirk Bishop, Duncan Associates, 212 W. Kinzie St., Chicago, IL

A brief review of the meeting's protocol followed.

APPROVAL OF THE SEPTEMBER 9, 2013 MINUTES

A revision was noted on Page 7, last paragraph, first sentence: delete the words, "to build on a 30-ft. lot next to a home on a 100-ft. lot" and insert the following words: "to build on a 30-ft. lot in a neighborhood of predominately 100-ft. frontage lots".

THE MINUTES OF SEPTEMBER 9, 2013 WERE APPROVED, WITH REVISION, ON MOTION BY MR. RICKARD, SECONDED BY MR. WAECHTLER. ROLL CALL:

AYE: MR. RICKARD, MR. WAECHTLER, MR. BEGGS, MR. COZZO, MRS. RABATAH, CHAIRMAN WEBSTER

NAY: NONE

ABSTAIN: MS. URBAN

MOTION PASSED BY VOICE VOTE. VOTE: 6-0-1

PC 33-13 A petition seeking approval of a Special Use to expand an existing automobile repair shop. The property is zoned B-3, General Services and Highway Business District and is located on the south side of Ogden Avenue approximately 150 feet west of Elm Street and is commonly known as 815 Ogden Avenue, Downers Grove, IL (PIN 09-05-311-008), The Finch & Zeimer Revocable Family Trust, Petitioner/Owners.

Chairman Webster swore in those individuals that would be speaking on the above petition.

Senior Village Planner Stan Popovich introduced new planner Kelley Chrisse and discussed her professional background. Planner Chrisse reviewed the subject site on the overhead map, noting that the adjacent zoning to the north, west and east was B-3 General Services and Highway Business, while to the south, was R-3 Single-Family Residential. A review of the current configuration of the site followed. Ms. Chrisse relayed that the petitioner would like to add a 1,000 square foot rear concrete-masonry addition to the existing building in order to bring outside storage into the building and improve vehicular movement on-site. The addition will include two bay doors for easier access. Front parking will be turned perpendicular and include one handicap, striped space. The rear lot will be used for stacking vehicles waiting to be serviced or picked up and also include a dumpster enclosure.

Parking requirements, landscape screening, and new fencing were reviewed. Per Ms. Chrisse, the application complied with the village's Comprehensive Plan and Zoning Ordinance. Continuing, Ms. Chrisse reported that the applicant will bring the signage into compliance by removing the existing pole sign in the parking lot and submitting a sign permit to revise their wall and awning signs. The applicant will also be granting a plat of easement for future connection changes for the sidewalk along Ogden Avenue.

To date, no comments had been received from the neighbors. The stormwater management, fire protection system, and building requirements would be reviewed during the building permit process. Staff recommended a positive recommendation to the Village Council subject to the five conditions listed in its staff report.

Clarification of the sidewalk easement followed along with clarification of the addition being approximately 80 feet away from the back property line. A question was asked by Mrs. Rabatah regarding an increase of vehicle movement in the rear parking lot, wherein Ms. Chrisse surmised that any impact from an increase in vehicular movement at the rear of the property would be minimized due to the replacement of the fence and addition of landscaping that serve as a buffer between this property and the residential property to the south. Ms. Chrisse also noted that the existing gravel area would be paved by the petitioner and deferred to the petitioner regarding the use of the rear parking lot. Mr. Waechtler voiced concern about noise, hours of operation, and queried the date accuracy of the aerial photo being presented, which Mr. Popovich indicated that the aerial was from 2011 and it was accurate.

Mr. Rickard asked about stormwater plans for the rear lot, wherein Ms. Chrisse indicated the development engineer did review the plan and noted that the proposed work would not increase the amount of impervious area. Thus, drainage issues would be addressed in the building permit review process. Regarding the access from the adjacent property and the special use, staff had not required a cross access agreement from the petitioner, due to the petitioner having access within the building.

Petitioner, Mr. Wayne Zeimer, on behalf of his brother of Mike Zeimer and Mark Finch, summarized he and his colleagues were adding 20 feet to make the building more efficient stating the site was already zoned B-3 and the proposed building complies with the Zoning Ordinance. He stated the request was before the commission for permission to add the new addition and to improve the overall character of the building. Hours of operations were 7:00 AM to 6:00 PM and because of the tightness of the site, employees currently parked in the rear lot. Mr. Zeimer was aware of no complaints to date. As to having more vehicle movement in the rear, Mr. Zeimer explained that the few spaces being removed in the front lot were being pulled through to the rear, which was why the

overhead doors were being added. Vehicles not able to fit in the front lot would be pulled to the rear lot.

Per Mr. Waechtler's question regarding vehicles traveling under the lifts, Mr. Zeimer confirmed that there were safety locks and there were no issues with them. More specifically, Mr. Zeimer confirmed his brother and Mr. Finch were the owners of the property and leased the site to the Meinke Muffler franchisee. He further stated the franchise operator was not present but his associate was present to answer questions.

Chairman Webster invited the public to comment. None followed. Public comment was closed.

Mr. Zeimer closed by asking the commission for approval of the petition.

Ms. Urban summarized her comments by saying that the sight was tight and the petitioner was using it as efficiently as possible but one item she would have preferred to see was a cross-access agreement in front of the site to connect the parking lots; however she did not feel it could be accomplished without redevelopment. She believed the Standards for Special Use were met.

WITH RESPECT TO PC FILE NO. 33-13, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, INCLUDING STAFF'S FIVE (5) CONDITIONS IN ITS REPORT.

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT, PLANS AND DOCUMENTS ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE PETITIONER SHALL GRANT A SIDEWALK EASEMENT FOR THE EXISTING AND ANY FUTURE PROPOSED SIDEWALK ON THE SUBJECT PROPERTY.**
- 3. ALL SIGNS ON THE PROPERTY SHALL BE BROUGHT INTO CONFORMANCE WITH THE SIGN ORDINANCE. A SEPARATE SIGN PERMIT IS REQUIRED PRIOR TO INSTALLATION OF ANY NEW SIGNAGE ON THE PROPERTY.**
- 4. THE BUILDING SHALL HAVE FIRE SUPPRESSION AND DETECTION SYSTEMS IN A MANNER SUITABLE TO THE FIRE PREVENTION BUREAU CHIEF.**
- 5. THE PAVED AREA BETWEEN THE HANDICAPPED PARKING SPACE AND BUILDING SHALL BE STRIPED TO PROHIBIT PARKING TO PROVIDE ADEQUATE ACCESS TO THE WESTERMOST SERVICE BAY.**

SECONDED BY MR. BEGGS. ROLL CALL:

AYE: MR. WAECHTLER, MR. BEGGS, MR. COZZO, MRS. RABATAH, MR. RICKARD, MS. URBAN, CHAIRMAN WEBSTER

NAY: NONE

MOTION CARRIED. VOTE: 7-0

PC 39-13 A petition seeking an amendment to Article IX, Manufacturing Districts, of Chapter 28 of the Municipal Code. The purpose of the request is to amend Section 28.903, M-1 District - Special Uses, to include medical cannabis cultivation centers and dispensing organizations; Village of Downers Grove, Petitioner

Chairman Webster swore in those individuals who would be speaking on the above petition.

Senior Village Planner, Stan Popovich, explained the purpose of this request was to add “medical cannabis cultivation centers and dispensing organizations” to the list of allowed special uses in the M-1 Light Manufacturing District according to Illinois Public Act 098-0122. A history of the new public act followed. To date, the village had not received any submittals for this use. The Act does allow local governments to enact reasonable Zoning Ordinance regulations and has specific definitions for cultivation centers and dispensing organizations as well as certain state boundaries. Mr. Popovich reviewed location requirements for cultivation centers. Furthermore, dispensing organizations are required to register with the Illinois Department of Financial and Professional Regulations and could only acquire medical cannabis from a registered cultivation center. Up to 60 dispensing centers are allowed to be licensed in the State of Illinois and had to be geographically dispersed. Distance requirements and locations for each were reviewed.

Staff believes the M-1 zoning district is the most appropriate location for such use and medical cannabis uses are consistent with the existing and contemplated uses that staff was discussing in the rewrite of the Zoning Ordinance in the M-1 district. As to the location of cultivation centers, he reported that the state’s 2,500-foot distance requirement from residentially zoned areas restricted cultivation centers from being able to locate within the village.

With respect to medical cannabis dispensing organizations, Mr. Popovich confirmed he did map the locations of schools, daycare centers, and daycare providers in relation to the M-1 districts to determine potential locations. Identified were six possible M-1 zoning areas for the dispensing organizations, with Mr. Popovich explaining the types of uses found in each area and how the village’s Comprehensive Plan identified the individual areas.

Mr. Popovich believed a special use was necessary for all medical cannabis uses since a special use discussed “unusual characteristics or services that are provided.” He believed this use and service was unique and, as a special use, would give the village staff, Plan Commission, and the village council oversight if such a request came forward. He closed his discussion and asked that specific language be added as item (k) in the special use list as follows: “Medical cannabis cultivation centers and dispensing organizations, in accordance with Illinois Public Act 098-0122.”

Commissioner questions followed as to whether other communities had taken such pro-active steps, wherein Mr. Popovich believed a couple of communities had but he was not aware of the specific towns. Community Development Director Dabareiner indicated that all of the communities he had spoke to were looking to address this topic now or within the next couple of months.

Ex-officio member, Ms. Lupescu, for School District Nos. 58 and 99, queried staff if it could limit the ordinance to include just the red outlined portion of the M-1 district. Mr. Popovich explained that state law would limit the centers based on their location adjacent to a day care center and a school using the 1,000 foot buffer and the village was not seeking any additional requirements since the state was already limiting the locations. If the public Act were to change, Mr. Popovich

surmised that village staff would have to revisit the matter if the regulations allowed a closer proximity. But currently staff felt that the Act allowed villages the opportunity to provide reasonable regulations, and, in this case, staff felt the reasonable regulation of this matter was being addressed by creating the special use in order for staff to review applications on a case by case basis.

Asked if designating the M-1 locations for such applications gave automatic approval for such dispensing centers and cultivation centers, Mr. Popovich clarified the village was allowing the M-1 districts to be the districts where such applicants could locate in but they would still require the special use approval of the four standards. Also, he stated the comprehensive plan could be reviewed to see what uses were intended for a specific area. Asked if a dispensing organization/cultivation center were to get in place and a day care school located near such facility, Mr. Popovich believed the law would not preclude the dispensing/cultivation center from continuing to operate. Instead, it was a matter of staff looking to see where schools and daycare centers were located on the application date to see if they were located outside the 1,000 feet requirement. Mr. Popovich pointed out that schools are prohibited in the M-1 District but daycare centers are a permitted use.

Asked what happens when the special use ended, Mr. Popovich explained there was an 18-month period when the business closes; however, staff was looking to review that time frame in the new Zoning Ordinance revisions. Additionally, he reminded the commissioners that the State's Act had certain regulations the dispensing/cultivation centers had to go through when changing ownership, such as background checks, administrative work, etc. Mr. Popovich clarified that in reviewing the village's maps and in reviewing the state Act, a dispensing organization could be allowed but the 2,500 feet limit for a cultivation center, through state law, barred such center from locating near a residential district, based on the fact that the M-1 zoning districts being considered were the two larger districts than the other M-1 districts.

Chairman Webster invited the public to speak.

Ms. Damienne Souter, with the Downers Grove Park District, and liaison to the Plan Commission, acknowledged that, for the most part, the parks were not near the six locations being discussed except for one park located on Second Street across from Pepperidge Farm and the one on Warren Road area near Prince Pond. Ms. Souter asked that "parks" be included in the proposed language for the list of schools, day care centers, etc. since parks attracted families and have similar amenities as schools, i.e., playgrounds, ball fields, etc.

Director Dabareiner supported the request and believed it should be added to the text, but wanted to confirm it first with the state's law. He stated the motion could include adding parks and he would prepare text to state the intention before the recommendation was moved to Village Council. Further dialog supported that the term "parks" be added to the list of schools and daycares, to mimic the language of the state law, because the distance requirements for dispensing centers and cultivation centers were different.

Ms. Marge Earl, 4720 Florence, Downers Grove, was glad to see the village moving forward on this topic.

APPROVED 10/28/13

Hearing no further public comments, public comment was closed. Staff had no further comments either and was comfortable in adding the term “parks” to the special use list.

WITH RESPECT TO PC FILE NO. 39-13, MS. URBAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO ADD THE FOLLOWING LANGUAGE TO SECTION 28.903 M-1 DISTRICT - SPECIAL USES OF THE ZONING ORDINANCE, AS OUTLINED IN STAFF’S REPORT, TO INCLUDE “MEDICAL CANNABIS CULTIVATION CENTERS AND DISPENSING ORGANIZATIONS IN ACCORDINANCE WITH THE ILLINOIS PUBLIC ACT 098-0122” WITH THE MODIFICATION TO INCLUDE “PARKS” WITH THE DISTANCE REGULATIONS SPECIFIED FOR SCHOOLS IN THE ILLINOS PUBLIC ACT.

SECONDED BY MRS. RABATAH. ROLL CALL:

AYE: MS. URBAN, MRS. RABATAH, MR. BEGGS, MR. COZZO, MR. RICKARD, MR. WAECHTLER, CHAIRMAN WEBSTER

NAY: NONE

MOTION CARRIED. VOTE: 7-0

(The Plan Commission took a short recess at 8:15 p.m. and returned at 8:20 p.m.)

PC 18-13 The purpose of the request is to consider updates to Chapter 20 (Subdivision Code) and Chapter 28 (Zoning Ordinance) of the Municipal Code; Village of Downers Grove, Petitioner.
(Continued from September 9, 2013 meeting.)

Mr. Kirk Bishop with Duncan Associates, appeared before the commission again to discuss the fourth and final section of the first draft of the village’s Zoning Ordinance. Details of the chapters’ contents followed with Mr. Bishop explaining that after this meeting, he will take the comments received for all four modules and prepare a consolidated public review draft of the ordinance to be returned in early November for the commission’s review and recommendation to the village council.

In conjunction with that process, Mr. Bishop said he will be working on the village’s first draft of the revised Subdivision Regulations over the next few months. Details followed on how that might be presented to the Plan Commission, i.e., substantive material and then procedural material. Director Dabareiner stated he and staff would like to speak to Mr. Bishop on how to proceed with that portion.

Reviewing the draft ordinance, Mr. Bishop recommended a new approach for Planned Unit Developments (PUDs) by moving away from them as a special use and moving them to a zoning district-type of approval, i.e., approving planned unit development zoning district whereby an overlay PUD zoning district may exist over an existing zoning classification on the zoning map. Advantages include that it would be on the zoning map and provide a clearer picture of what was different about the underlying zoning. It also elevated the rights of surrounding property owners to weigh in on an application. The approach would provide flexibility in exchange for some clearly

stated public benefits. Examples followed with Mr. Bishop describing that the PUD overlay would go through a basic process as any zoning map but it would be a zoning map amendment that would be accompanied by a development plan for the property. Details followed.

Mr. Bishop was asked to differentiate the level of detail in a PUD development plan versus a site plan. Examples followed. Additionally, Director Dabareiner explained that with PUD situations, there was some trade-off whereby the village was providing developers some flexibility that the current ordinance, in other straight-zoning classifications would not permit, but in exchange, the village was asking for more, such as how the development interfaces with the surrounding area. He was comfortable with the change. Referring to page 12, where the Community Development Director is authorized to approve minor deviations from an approved PUD development plan, Mr. Beggs asked specifically what the community development director was entitled to do. Mr. Bishop indicated that the Community Development Director was to review a site plan for a portion or all of the PUD to determine whether it complied with the development plan that was approved by the village council at the time the PUD overlay was established. He further explained the clause was not as open as one would think and proceeded to review it in more detail for Mr. Beggs, concluding that the site plan would have a level of detail very specific while the overall development plan would probably not. Mr. Beggs recommended that the community development director's authority with respect to PUDs be better defined.

However, Mr. Bishop disagreed with the idea that the authority is too general but understood the concern and he would work with staff on how the narrow limits of deviation could be better clarified.

Director Dabareiner shared why this language was being presented but at the same time thought it may be beneficial to bring such an example back to the Plan Commission to look at. Some commissioners mentioned Midwestern University and Hamilton as examples, wherein Director Dabareiner reminded the commissioners the goal was not to have applicants return to the village every time for minor changes to a plan.

Chairman Webster invited the public to speak on the above section. No comments followed.

Reviewing Article Six, which was a new article, Mr. Bishop stated the article will include in the new Zoning Ordinance all of the ordinance's use-specific regulations as well as accessory-use in structure regulations. He reviewed the few changes that were made, noting the article prohibits explicitly, for the first time, donation drop boxes. Due to some concern about what constitutes a donation drop box, Director Dabareiner offered to speak to the village manager and council members to get clear direction on what may or may not be exempt for this section.

Continuing, Mr. Bishop explained that the ordinance also allowed for alternative energy equipment, such as electric vehicle charging stations, geo-thermal energy pumps, solar panels, etc., subject to some limitations. Examples followed regarding electric charging stations. Continuing, the provision for "Extended-family Accessory Housing" allows for, or the conversion of, a single-family dwelling as two distinct dwelling units (to be used by an extended family member) was reviewed. Further details of that provision followed along with staff explaining how the accessory housing would be triggered. Ms. Urban voiced concern about the amount of requirements and language within this provision and felt it was outdated and confusing to the residents. Also, by physically separating the units, she stated it was making the space susceptible to rentals in the future.

as opposed to allowing internal connection of units. Mr. Waechtler concurred with this type of concern.

However, Mr. Popovich pointed out that if the use was no longer being used in its approved capacity, the property owner was required to return it to a single family home. Director Dabareiner was fine with the provision but recommended that it include an interior door, in addition to adding a separate entrance. He believed some minor language revision was in order. Mr. Bishop concurred, suggesting that the separate entrance be used as a “definitional” threshold rather than a regulation, since commissioner comments were compelling or, that maybe leave well enough alone. Mr. Waechtler suggested refining the language to refer from paragraph (b) to paragraph (h) since it provided better clarification. As to code enforcement language, Mr. Bishop stated it was better clarified in paragraph (g).

Mr. Beggs, however, cautioned the commissioners to consider the cultural aspects of various family living arrangements within the dwelling units.

Continuing the review, Mr. Bishop discussed that the Home Occupation rules, as they currently exist, would remain but be tightened up. Details followed as well as clarification of what type of business could not be run out of a home. Lastly, Mr. Bishop stated the fueling provisions were updated, while funeral homes and mobile home parks, as allowed uses, were eliminated in residential districts. A provision was added to the wireless tower regulation that required a neighborhood meeting/summary with an applicant prior to any formal public hearing. Staff has been encouraging this proposed regulation already.

Mr. Beggs inquired about approval authority for the communications tower (Pgs. 6-28 & 6-29), wherein Mr. Bishop confirmed that the community development director was not being given any additional approval authority on this provision.

Addressing Article Ten, Mr. Bishop reviewed the regulation changes for the following: fences, outdoor lighting, intersection visibility requirements, and operational performance (noise, smoke, odors, etc.). Discussion was raised regarding the maximum height requirements for light poles in residential areas and for commercial areas as well as a dialog about light pollution, in general.

Lastly, Mr. Bishop pointed out that Article 15 addressed the “general terminology” used in the ordinance. Clarification followed as to how the revised definitions were spelled out in the ordinance and how they would be beneficial to staff. Director Dabareiner also noted that staff would be adding “farm animals” as a definition.

Ms. Earl raised discussion about chain-link fences (in residential districts) and the fact that there was no mention of them for side and rear yards. She suggested making the text clearer on that.

Something that Mr. Bishop mentioned was the fact that including a set of illustrations throughout the document would be beneficial, along with the definitions section. Dialog then followed regarding the term “occupiable floor area” and what the difference was between attached garages with bedrooms above versus detached garages with offices above, wherein staff explained it was a matter of trying to avoid rentals and the space turning to living space. Mr. Popovich suggested clarifying the language for that definition.

APPROVED 10/28/13

Mr. Bishop closed by stating he looked forward to presenting the consolidated draft in November and asked commissioners to relay any additional comments to staff. Director Dabareiner also stated that at the next meeting staff will highlight those items that still needed to be addressed.

WITH REGARD TO PC 18-13, MR. BEGGS MOTIONED TO CONTINUE THE ABOVE PETITION TO A DATE CERTAIN, THAT DATE BEING NOVEMBER 4, 2013.

SECONDED BY MS. URBAN. ROLL CALL:

**AYE: MR. BEGGS, MS. URBAN, MR. COZZO, MRS. RABATAH, MR. RICKARD,
MR. WAECHTLER, CHAIRMAN WEBSTER.**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Mr. Popovich reported that there will be two cases on the October 28, 2013 agenda.

**THE MEETING WAS ADJOURNED AT 10:10 P.M. ON MOTION BY MR. WAECHTLER.
MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.**

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)