

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION – SPECIAL MEETING
PUBLIC HEARING

OCTOBER 12, 2015, 7:00 P.M.

Chairman Rickard called the October 12, 2015 meeting of the Downers Grove Plan Commission to order at 7:03 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Mr. Cronin, Ms. Hogstrom, Mr. Quirk, Mr. Thoman (ex-officio Lupesco)

ABSENT: Mr. Bassler, Mr. Cozzo, Mrs. Rabatah (ex-officios McAdam, Menninga)

STAFF: Community Development Director Stan Popovich, AICP; Planner Patrick Ainsworth, AICP

VISITORS: Robert Nolan, 922 Meadowlawn Ave, Downers Grove; Justin Grimm, 930 Meadowlawn, Downers Grove; John Penavic, 5202 Washington Street, Downers Grove; Wayne Hall, 942 Meadowlawn, Downers Grove; John and Cheryl Alice, 927 63rd Street, Downers Grove; Kim and Charlie Echert, 901 Meadowlawn, Downers Grove; Jerry Jobe, 1610 Heatherlane, Darien; Elaine Milner 944 Lancaster Place, Downers Grove; Lorene Schlie, 944 Weatherbee, Downers Grove; Robert and Nancy Janis, 948 Weatherbee, Downers Grove; Michael Matthys, Linden Group Architects, 10100 Orland Park Way, Orland Park; Peter Gabor, 6901 Dunham Road, Downers Grove; Jason Sanderson, RWE Management Company, 16W361 S Frontage Road, Burr Ridge; Charles Smith, Arte Architects, 13543 W 185th Street, Mokena; Karen Rooney, 6860 Robey Ave, Downers Grove; Jackie and Emil Mudra, 930 Curtiss, Downers Grove; Jackie Zeff, 930 Curtiss, Downers Grove; Mary Collins, 1309 Sleepy Hollow Lane, Darien; Robert Merkin, 4518 Cornell, Downers Grove; Karen Skorupka, 1171 Parker Avenue, Downers Grove; Geri Hulbeck, Washington Street Barber Shop, 5115 Washington Street, Downers Grove; Linda Kunze, Downtown Management; Marge Earl, 4720 Florence Avenue; Julie Vacala, 945 Burlington Avenue; Bill Hulbert, 5115 Washington Street; Hanna B. and Debra J. O’Doll, DG Animal Hospital, 904 55th Street; Peter Dinovil, DG Animal Hospital, 904 55th Street; Graham Merkin, DG Animal Hospital, 433 S. Washington, Westmont, IL; Max Merkin, 248 Janes Dr, Westmont; Steve Morris, 19 W 139 Millbrook; Mary Diersen, 5107 Washington Street; Andrew Kerrigan, CM Lavoie & Associates, 1050 W. Route 126, Plainfield, IL; Chris LaVoie, CM Lavoie & Associates, 1050 W. Route 126, Plainfield, IL; Brian McLachlan, 4723 Elm Street; Dan Buie, Cypress Hill Development, 1000 Maple Avenue; Mary & Joe Domijan, 907/911 63rd Street; Tony Kremer, 24020 Riverwalk Ct, Plainfield, IL; Bob Aument, Daspin Aument, 4721 Wallbank; Tom LeCren, 545 Chicago Avenue; Cinda Lester, 12/12 Architects, 644 67th Street; Jon Povlivka, 6016 Washington Street; Melissa O’Driscoll, 4205 Belle Aire Lane; Janet & Sam Mazzocco, 635 6th Street; Nicole Eken; Peters and Marcia Nania, 4931 Florence Avenue; David Shoop, 7225 Powell Street; Clare Walker, 210A East Chicago Avenue, Westmont; Susan and Joseph Callahan, 20W481

Westminster Drive; Dennis Weeks, Woodridge, IL; Clarise Herrick, 5328 Grand Avenue; Paul Gerald, 4904 Rose; Jessica Maciaszek, 7326 Baybury Road; Eva Fisch, 904 Curtiss Street, #4; Gary Fullar, 1041 Hobart Avenue; Sheila Robbins-Campbell, 430 Rogers Street; Gordon Goodman, 5834 Middaugh Avenue;

PUBLIC HEARINGS:

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

A change in the agenda followed:

FILE 15-PLC-0037: A petition seeking approval for a zoning map amendment from R-1, Residential Detached House 1 to R-4, Residential Detached House 4. The property is located at the southeast corner of Haddow and Francisco Avenues, commonly known as 2515 Haddow Avenue, Downers Grove, IL (PINs 08-12-110-001 & -002). Dan Buie, Petitioner; William Neustadt, Owner.

Planner Patrick Ainsworth located the site on the overhead and reviewed the request, as listed above. He noted the property is comprised of a two-story single-family home sitting on three lots of record that was annexed into the village in 2012, with the most restrictive zoning allowed as R-1. Staff did not feel it was an appropriate zoning classification, given the size/area/width of the property. A detached garage was also on the property. The plat of survey was reviewed on the overhead. Should the zoning move forward and be approved, Mr. Ainsworth said the owners planned to construct a new home and consolidate the three lots of record.

Recent rezoning requests in the neighborhood were pointed out with staff explaining the goal was to get the proposed property more in line with the village's current zoning ordinance and reclassified as R-4. Lot area, lot width and side yard requirements were reviewed in depth, with Mr. Ainsworth confirming all standards had been met with this corner lot.

Mr. Ainsworth further explained that staff's reasons to zone the property to the R-4 classification versus R-3 was due to the neighborhood being more appropriate for R-4 zoning, noting all properties north of Burlington Avenue were zoned R-4 or R-1 and not R-3. He agreed this parcel was a somewhat wider lot than others. Per a question, he was not sure if sidewalks would be constructed in the area but could research more and attach it to the manager's memo that would be forwarded to the village council. Sidewalks would not affect the site's setbacks.

Petitioner, Mr. Dan Buie with Cypress Hill Development, introduced himself and said he was hired by the owner, William Neustadt, to construct a custom home. However, it was discovered with the current zoning, it would not have allowed him to construct a reasonable size home and the owner would not have a back yard. The new two-story home would be 2,800 sq. feet and would fit better in the neighborhood and it was on a corner lot.

Mr. Thoman asked staff to confirm the correct size of the lot, to which staff stated it was 10,291 sq. feet as stated in the survey. Staff was then asked to explain how it arrived at the square footage for the R-4 zoning wherein Director Popovich pointed out that when reviewing the lots in the neighborhood more closely, the R-4 classification was more prevalent with 50- to 60-foot wide lots.

Chairman Rickard opened up the meeting to public comment. No comments received. Mr. Buie had no further closing statement. Public comment was closed.

Mr. Cronin asked for clarification regarding the sidewalk discussion and whether the village would have to purchase property from the owner to install them, wherein Director Popovich stated the sidewalks would be installed in the public right-of-way.

WITH RESPECT TO FILE 15-PLC-0037, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO ALLOW THE PROPERTY TO BE REZONED FROM R-1 RESIDENTIAL DETACHED HOUSE TO R-4 RESIDENTIAL DETACHED HOUSE.

SECONDED BY MR. QUIRK. ROLL CALL:

AYE: MR. THOMAN, MR. QUIRK, MR. CRONIN, MS. HOGSTROM, CHAIRMAN RICKARD

NAY: NONE

MOTION CARRIED. VOTE: 5-0

FILE 15-PLC-0032: (continued from October 5, 2015) A petition seeking approval of a Special Use to permit an animal boarding/shelter facility. The subject property is zoned B-2 General Retail Business. The property is on the south side of 63rd Street approximately 140 feet east of Main Street, commonly known as 941 63rd Street, Downers Grove, IL (09-20-114-002 & -018). RWE Management Company, Petitioner; J.D. Jobe, Owner.

Village Planner Ainsworth located the subject property on the overhead, pointed out the current zoning (B-2) and zoning for the nearby properties. The property currently had a one-story veterinary care clinic with parking lot, landscaping, fencing, shed and a trash container. Proposed was a two-story, 10,000-plus square foot, full service animal care clinic. Renderings of the building and landscaping followed, along with a description of what a “full service animal care clinic” meant. Section 6.160 of the zoning code was read aloud, with Mr. Ainsworth explaining that “all medical care and boarding must be conducted within the completely enclosed principal building.” A list of the special uses was referenced, with Mr. Ainsworth confirming that “boarding” was an allowable special use, while grooming and veterinary care clinic were permitted uses in the B-2 zoning. Tonight’s discussion, would focus on the boarding/shelter/training service as the special use being requested.

The building’s floor plans and site plan were reviewed, with Mr. Ainsworth noting the proposed building was a 5,000 square foot footprint. The existing building would be demolished. No variances were being requested and the petitioner’s proposal either met or exceeded the village’s requirements. Mr. Ainsworth reported that the outdoor playground was an ancillary use of the business and, as such, the petitioner was designing and orientating the playground to be open to and facing the gas station (B-2 zoning) to the west. Also, a 6- to 8-foot tall privacy fence would be installed around the side and rear property lines. Further landscaping details followed.

Per staff, the proposal met the requirements for the village's comprehensive plan, village zoning requirements, special use standards and landscaping requirements. Staff supported the proposal.

Commissioner questions followed regarding the topography of the site; whether the village ever received neighbor complaints from the animal boarding facility located on Ogden Avenue; and the plan to dispose animal waste. Per staff, further questions about operations would be addressed by the petitioner.

Other questions followed regarding the definition of term "boarding"; the building's animal capacity; and whether the business required 24-hour staffing since animals were being boarded overnight. Dir. Popovich confirmed there were no stated requirements for animal capacity within the village's zoning ordinance. Stormwater signage on the east property line was also mentioned and the reason behind it.

For the petitioner, Attorney Bob Aument, 4721 Wallbank Avenue, Downers Grove, introduced members of the team: Dr. Toni Kramer (purchaser/developer of property); Jason Sanderson with RWE Management (builder); and Mike Matthys, architect.

Mr. Sanderson summarized that RWE Management constructed over 90 animal hospitals and was experienced in this area. He summarized that the current clinic had been in the village for over 40 years and it would continue to run as a veterinary clinic once the new building was constructed. The only request was for the additional boarding use. Photos of the current site and surrounding area were presented as well as what the proposed building and its surroundings. Per Mr. Matthys, the proposed building would allow the current business to operate better, look better, and provide more services to the community.

Mr. Matthys confirmed the new building had a 5,000 sq. foot building footprint and will be two stories as compared to the current 3,200 sq. foot building footprint which is one story. All boarding would be contained within the building and without operable windows to hinder any noise from barking dogs. A fresh air intake unit would bring in fresh air to the building. A covered outdoor animal run area will be located in the northwest corner of the site and will include noise buffers. The landscape area will be increased by 2,000 sq. feet with new plantings and a vinyl fence.

Mr. Matthys reminded the commissioners the outdoor play area was not under review tonight and said the original dog runs that were proposed were pulled from the plans. The distance from the outdoor area to the closest house to the south was 190 feet and 150 feet to the nearest house to the east. The outdoor play area would only be used during business hours of 7:00 AM to 8:00 PM and would be supervised at all times. Proposed building height would be 26 feet, with one section at 30 feet to hide mechanicals, as compared to the maximum height allowed of 35 feet. A review of the site's drainage followed, noting the run-off will be directed to 63rd Street and not to the residential areas.

Three interior boarding rooms were pointed out, along with an area that would start as a play area. Mr. Matthys expected 15 dogs per room for a total of 60 dogs. The dogs would have "luxury" boarding. Surgical areas were pointed out. Pet adoption would be provided by local pet adoption agencies. Sound engineering would be considered when constructing the envelope walls, using

heavy-duty construction, masonry materials and sound baffling. The building's materials would consist of masonry, stone, with accents of metal and glass.

Similar case studies were cited: Countryside Veterinary Hospital, The Animal Care Clinic of Geneva, and Downers Grove Animal Hospital on Ogden Avenue. Dr. Kramer's recent recognitions were also noted.

Mr. Jason Sanderson with RWE Management, discussed that the medical waste will be picked up by a separate service. Dog waste, however, will be picked up with the regular trash pickup. Mr. Sanderson stated that Countryside's boarding allowed more dogs and was just as close in proximity to residential zoning and they received no complaints.

Owner, Dr. Kremer, believed his team put together a terrific project and offered to take questions, if necessary. While he said he would prefer this building to have 24-hour service, typically, such proposals did not start out that way. Currently there was boarding in the existing facility; however, Dr. Kremer indicated that the number of dogs used for boarding was not necessarily a true number because he preferred to see what the demand was first.

Regarding the outdoor area, Dr. Kremer estimates that approximately four to eight dogs will be out in the play area with a staff member.

Chairman Rickard opened up the meeting to public comment.

Mr. Peter Gabor, owner of Cedar Lane Kennels, 6901 Dunham Road, stated that DuPage County required 5 acres to construct a new kennel and the petitioner has a half acre. He voiced his concerns about dogs being in a confined area and some of the sanitary issues that arise. He questioned the viability of the business as there were other boarding kennels in the area and questioned the "sound-proofing" that was mentioned. Mr. Gabor pointed out that Dr. Kramer is not a practicing veterinarian but only purchases animal clinics and redevelops them. He also voiced concern about the hours of operation.

Ms. Susan Callahan, 20W481 Westminster Drive, Downers Grove, is a client of Downers Grove Animal Clinic for 24 years. She shared the wonderful quality of care her animals receive and the friendly staff. She voiced concerns about the quality of care with such a small footprint of boarding, but yet supported the new facility due to the proximity to the downtown area.

Ms. Cindy Lester, 644 67th Street, Downers Grove, is an urban planner and architect who uses this facility and trusts the "science." She supported the proposal and it would be an improvement to the corner. As a client, she appreciated the high-end boarding. Her dogs are treated as family.

Mr. Wayne Hall, 942 Meadowlawn Ave., resides behind the proposed site and asked to not approve the special use. He has lived there for 15 years and did hear a dog barking through the brick wall at one time which he said was not too bad as compared to 45 dogs. He voiced concerns about the new building being closer to his house and asked staff to confirm the setbacks. He voiced concerns about the height of the building, having no privacy, the indoor boarding rooms facing south towards the residential homes and the south elevation has glass windows which sound will permeate towards the residents.

Mr. Gary Pullar, 1041 Hobart Ave., Downers Grove, has been a client of the Downers Grove Clinic and supported the new facility because the staff knows his dogs' needs.

Mr. Robert Nolan, 922 Meadowlawn Ave., Downers Grove, did not support the project because the property was too small for the building. He was informed by one of the team members that there would be one dog per boarding room/no cages and now the architect was stating there would be 15 dogs. He noted that the building was being located on the site to hide the "junk" from the gas station, when the city should be asking the station to remove it. He also researched the sites that Dr. Kramer previously developed which were larger sites. He asked if the doctor practiced currently, whether the city would repair the closed sewer line on 63rd Street, and pointed out that he did not appreciate Dr. Kremer and others visiting the neighbors and telling them to support the proposal, otherwise they could "end up with something worse."

Ms. Cheryl Alice, 927 63rd Street, resides immediately to the east and supported the proposal because the existing building shares her lot line and because what currently exists is an eye sore. She has not heard any barking. She also pointed out that other two-story houses exist which have windows and doors that look into her yard.

Ms. Sheila Robins-Campbell, 430 Rogers St., Downers Grove, an employee of the University of Illinois Veterinary Teaching Hospital, expressed concern about Lepto disease because it is a human/animal contagious disease passed through water, not to mention a large population of dogs that will be boarded. (Mr. Popovich clarified that the sign is for water quality purposes.)

Mr. Justin Grimm, 930 Meadowlawn Ave. Downers Grove, lives behind the proposal. He asked the commissioners to not support the proposal. He voiced concern about increased traffic at the intersection since many accidents occurred at this intersection, and dogs would be moving in/out of the facility. He believed the small outdoor play area was confining for the dogs.

Mr. Charlie Ecker, 901 Meadowlawn, Downers Grove, voiced concern about approving the project now only to have 24/7 hour service in the future and the village approving such requests. Traffic congestion was another concern.

Mr. Dan Blaney, 5406 Maplewood Pl., Downers Grove, has been a client of Downers Grove Animal Clinic for just over 10 years and believed if Dr. Gus was in financial trouble it was due to compassion and not over-charging his customers. He agreed the facility needed repair but kept going there because of the staff that work there. He voiced concern about the business hours but supported the proposal because he could have his dog groomed and boarded at the same facility.

Ms. Lorne Schlie, 944 Weatherby, Downers Grove, also expressed concern about the increased traffic in the intersection and safety in general; the building was too large; and the privacy issue. She voiced concern about the facility's impact to the neighborhood.

Ms. Kim Eckert, 901 Meadowlawn Ave., Downers Grove, reiterated the concern about the beautiful facility's impact on the residential area and believed a different location was in order. She voiced concern about the building setting a precedent for future developments. Dog noise was a concern.

Ms. Nancy Rich Janis, 948 Weatherby Pl., Downers Grove, stated her house backs up to Main Street and she already hears much noise. Her concern was the character of the neighborhood and the location of the parking lot to the east, and increased traffic. She believed it would be a great facility in a different neighborhood. She recommended the village contacting the gas station about its trash problem.

Mr. Joe Domijan, 907 & 911 63rd Street, Downers Grove, did not support the proposed facility, explaining that it was a quiet facility and adding 60 dogs would only increase the noise. Given the business hours, he stated the lighting was not even addressed. Traffic accidents were a concern especially with the on-site ingress and egress. He also stated having no retention was a concern. He also had a concern about the current zoning and the future land use map.

Mr. Bob Merkin, 4518 Cornell, Downers Grove, stated he is one of the owners of Downers Grove Animal Hospital and commended those speakers who spoke about the vet owner of the facility. He also stated that the amount of sound generated by 60 to 100 dogs exceeds the sound created by a jet engine. Even though he reduced his boarding to 10 dogs from 50 dogs, he twice received a noise complaint from the police department -- he had masonry walls also. The real issue he stated was whether the facility would reduce property values or will it create quality of life issues for residents because they cannot leave their windows open due to barking dogs. Mr. Merkin also pointed out that this was the reason why the same building was denied in Westmont and Hinsdale – due to the close proximity to residential properties.

Mr. Brian McLachlan, 4723 Elm St., Downers Grove, currently operates the only luxury pet boarding facility in Downers Grove. He believed it was a beautiful building but it appeared that there was little to no intention to being an ultra luxury boarding facility given the small size of the rooms. He foresaw that there will be increased animal crates since the village has no mechanism to control the number of dogs nor is there a level at the state level. His business has 10 ultra luxury suites in a 600 sq. feet space and not even that is devoted to the proposed kennels. Lastly, he voiced concern that no dogs would be outside on the weekends which translated to the animals soiling themselves. He did not object to the competition.

Ms. Jessica Maciaszek, 7326 Baybury Road, began working for the animal clinic in the boarding facility back in 1999 and recently moved back to the area because of the community. She believed the building would be an improvement, given the current condition of the area.

Mr. Jason Sanderson, builder for the project, clarified that at the neighborhood meeting he stated there would be no outdoor runs or kennels and it would only be a play area. Running down the list of resident concerns, Mr. Sanderson stated that staff will be at the facility to attend the animals like any other boarding facility and the facility provides other services which he believes the community is looking for. Regarding the letter and the connection between the Countryside facility and the police, the police pick up strays and Countryside works to get the animals back to health.

He reminded the commissioners and the public that the team knows that noise would be issue, which is why the letter speaks to the improvements made over the past 25 years. As a builder specializing in the industry, he had been successful in building such facilities in areas that abut residential neighborhoods because people do not want to travel long distances to board/groom their pet.

Mr. Sanderson stated the proposal met or exceeded the setbacks. The windows on the south elevation is being created to bring light into the area where the animals are being boarded but if it was an issue due to sound, he was willing to remove them or install skylights. As to traffic control, the DuPage Department of Transportation was forwarded the plans and initially everything was fine with them. However, there was a neighbor recommendation to install a right-in/right-out which changed the plans and Mr. Sanderson stated the owner was trying to be a good neighbor.

Regarding the hours of operation, Mr. Sanderson explained that the owner will be working within the village's noise ordinance; however, if a dog is barking, it will be taken inside. The outdoor area is small and basically for the animal to relieve itself. There is an indoor play area/training area and in lieu of crate boarding, dogs are now boarded in "runs," some of which have TVs while some do not. Village photometric requirements will be met. The number of dogs outside will be manageable for one person – six to eight dogs – and behavior will be monitored to avoid aggression.

As to the current status of the clinic, he believed the site and the building needed improvement. In addition, the clients wanted something more out of the facility which is why Dr. Kramer was assisting the current business by infusing some capital.

In response to the setbacks, Mr. Matthys estimated that the setback from proposed building to the rear property line was 60 feet; he did not have the current location of the house surveyed so he could not confirm how far back the house was set back on the lot. Based on the aerial, he estimated it about 80 feet which provided the 150 feet separation from the building to the house. The 180 feet he mentioned earlier was from the outdoor play area to the residential home. Regarding increased traffic, Mr. Matthys believed the traffic accidents mentioned were due to vehicles coming from the Jewel parking lot and driving through the stacking traffic into a no sight line area; whereas with the proposed site, vehicles may pull out into stacking traffic but there are visible sight lines of oncoming traffic. As to the character of the neighborhood, Mr. Matthys stated the proposal was based off of the village's comprehensive plan, citing the plan has neighborhood commercial zones within neighborhoods that are service-related businesses and the parcel is zoned B-2 on the zoning map.

The proposal will decrease the amount of impervious area on the site. The petitioner will address any stormwater issues that were mentioned. He acknowledged that on the west side of the parcel the stormwater drain was cut off when construction occurred on 63rd Street, and was never repaired. He believed the petitioner would be fixing the problem by having a new engineered parking lot with less impervious area. As to the testimony regarding the Downers Grove Animal Hospital and the owner having noise complaints, Mr. Matthys pointed out that facility was only 70 feet away from residential zoning while the proposed facility was more than double that amount to the outdoor area which faced a traffic interchange. The Downers Grove Animal Hospital outdoor area also faced the residential use. Mr. Matthys continued to explain that barking noise is dealt with in two ways – the masonry building and having staff to bring a barking dog into an indoor area.

As to the glass on the south façade, he is working to have natural light come into the building but is also working Soundscapes Engineering to address noise infiltration into the building. As to those

who commented that the building “does not work”, MR. Matthys stated that other buildings have been constructed and work successfully.

Dr. Kramer reiterated that he wanted to bring in a world-class business and thanked everyone for their comments. He noted he has seven other facilities and wants to meet the needs of the community in veterinary care.

Public comment was closed by the chairman.

Bringing the discussion around, the chairman reminded the commissioners that the focus was the special use specifically. However, he asked staff to clarify the comments made regarding the three lots and one of the lots not being on a future land use plan, Mr. Ainsworth explained that Lot 9 is depicted as Residential in a future land use map and the land use map is used as a “guidance tool” and not as a requirement. Details followed. Additionally, Chairman Rickard confirmed with staff that the special use permit could be pulled if the petitioner is found to be out of compliance to which staff concurred. Dialog followed regarding the difference between kennels and boarding and the number of dogs at the Countryside facility (115 dogs but also a 20,000 sq. feet facility).

Mr. Thoman thanked the residents for voicing their comments and also thanked the petitioner for replacing a community resource with a broader, better thought-out community resource and believed any community service should work with the neighbors on a continuing basis. He did not have any reason why not to be in favor of the petition given staff’s report; Mr. Cronin agreed and stated the area was getting a better, upgraded facility, it met all of the village’s requirements, and decibel levels can be monitored. Standards of approval were also met.

WITH RESPECT TO FILE 15-PLC-0032, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO STAFF’S FOLLOWING CONDITIONS OUTLINED IN ITS OCTOBER 12, 2015 STAFF REPORT:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; ARCHITECTURAL DRAWINGS PREPARED BY LINDEN GROUP DATED JULY 9, 2015, LAST REVISED ON OCTOBER 6, 2015, THE LANDSCAPE DRAWINGS PREPARED BY ERICKSON ENGINEERING DATED AUGUST 07, 2015, LAST REVISED ON OCTOBER 6, 2015 AND THE ENGINEERING DRAWINGS PREPARED BY VANTAGE POINT ENGINEERING DATED AUGUST 7, 2015, LAST REVISED ON OCTOBER 6, 2015, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES;**
- 2. A CERTIFICATE OF OCCUPANCY SHALL NOT BE ISSUED FOR THE NEW FACILITY UNTIL THE EXISTING BUILDING ON-SITE HAS BEEN DEMOLISHED;**
- 3. ALL PARKING LOT SCREENING SHALL BE AT LEAST THREE-FEET TALL AT TIME OF PLANTING;**
- 4. THE APPLICANT SHALL APPLY FOR ALL SIGNAGE UNDER A SEPARATE PERMIT AND SHALL COMPLY WITH THE SIGN ORDINANCE;**

5. **PRIOR TO ISSUING A BUILDING PERMIT, AN ADMINISTRATIVE LOT CONSOLIDATION SHALL BE COMPLETED;**
6. **THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM; AND**
7. **THE PETITIONER SHALL INSTALL SIGNAGE ALONG THE EAST PROPERTY LINE LANDSCAPING STATING THE FOLLOWING: “NO DOG WALKING THIS AREA, DRAINS TO RIVER”.**

SECONDED BY MS. HOGSTROM

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

NAY: NONE

MOTION CARRIED. VOTE: 5-0

(The commissioners took a five minute break at 9:20 p.m.; reconvened at 9:25 p.m.)

FILE 15-PLC-0028: A petition seeking approval of a Planned Unit Development to construct a mixed-use building, Rezoning to DB/PUD and a Special Use to permit Multiple Family Residential in the Downtown Business (B) zoning district. The property is currently zoned DB, Downtown Business. The property is located at the northeast corner of Curtiss and Washington Streets, commonly known as 904-910 Curtiss Street, Downers Grove, IL (09-08-304-001, -002). John Penavic, Petitioner/Owner.

Community Development Director Stan Popovich located the site on the overhead and stated that the property consists of two buildings. The property at the corner is 910 Curtiss and consists of 15 apartments and 7 retail units. The building on the east side of the property is single-story, 6-unit apartment building. The petition is proposing to redevelop the site to include a five-story mixed-use building constructed of face brick, glass, EFIS detailing, pre-cast concrete bands, etc. Patios, balconies, and an underground parking space will be constructed. Both Curtiss and Washington Street facades will have storefront appearances. Proposed are three retail spaces and one office space at the corner of Curtiss and Washington.

Underground parking and entrance to the building were reviewed. Floor plans for floors 2 through 5 were referenced, as was the traffic study, which Dir. Popovich reviewed in more detail. A phased construction plan will be followed along with other village requirements to be met.

Staff believed all of the downtown design guidelines were met; the proposal met the intent of the village’s comprehensive plan (Catalyst Site 13), providing a variety of housing types/sizes/prices; and also met a majority of the zoning ordinance requirements. However, the petitioner is seeking a density deviation by requesting 48 units when only 35 units are permitted by right, a parking reduction to 64 spaces per units (including the outdoor spaces) where 67 spaces are required, and the petitioner is asking for a deviation from the corner to build zone.

The petitioner held two meetings with the neighbors and tenants. Summaries for both were provided in the commissioners’ packets. Staff also believed the village’s PUD objectives within the

zoning ordinance were met and staff provided a number of conditions to meet to ensure protection of the surrounding properties, owners, and overall neighborhood. All rezoning standards were met for this project, and the proposal was not affecting property values, and the current building was in need of redevelopment. The three Special Use standards were met. Staff recommended a positive recommendation with the conditions listed in staff's report.

Per commissioner questions, the petitioner was seeking a PUD for the site because there were deviations from the zoning ordinance. The parking ratio for the recently approved project at 5100 Forest was 1.19 parking and this project was proposed at 1.33. Staff did not believe this project would deter redevelopment of the smaller property immediately to the north, since there were opportunities for the two properties to the north to redevelop together. Dir. Popovich felt the smaller property was not included in this proposal as it was a matter of different property owners with different timeframes for redevelopment and so this petitioner came forward and chose to redevelop part of Catalyst site 13. He further explained the probable reasons why the petitioner wanted additional units versus what was allowed, i.e., to make it work financially. Concerns were raised that the village lost a previous chance to redevelop a major catalytic site and this site was also being partially developed similar to the previous site. In response to Mr. Quirk's questions/concerns staff believed there was no deterrent for redevelopment of the site and the proposal fit the trend of the density for the area and was consistent with what the commission has been approving.

Mr. Thoman explained his concern was about the increase to 48 apartment units and, in general, it appeared the PUD classification was being used to avoid having to meet the village code requirements for developing a property wherein Dir. Popovich explained how staff reviews a proposal.

Petitioner/Owner, Mr. Penavic, 5234 Fairer Court, Downers Grove explained how he came up with a proposal that would benefit the community.

Mr. Chris Lavoie with C.M. Lavoie, 1050 W. Route 126, Plainfield recalled Mr. Thoman's comments regarding parking and density on the 5100 Forest project and learned from that project and, as a result, adjusted the parking for this project. Another issue he had to address was the displacement of the tenants and people who live in similar types of buildings, which is why the proposal was projected in two phases, which was key.

Mr. Lavoie shared that there were meetings with the tenants, which were contentious at first due to concerns of displacement, but the owner, Mr. Penavic did meet with his tenants individually to work out solutions. Also, Mr. Lavoie stated that Mr. Penavic did meet with the owner to the north but he was not interested in selling the property. Regarding the retail component, Mr. Penavic did believe it was an important component and kept it in the project.

Chuck Smith, architect for the project, shared his professional background and explained how he approaches the PUD and variances, noting it was a give and take relationship. Regarding the density, he agreed there are economic factors involved but a person needed to look at the overall success of the project, considering the village was redeveloping its downtown. The goal for density is to get people on the street in the downtown area. The retail units are being reduced from 7 to 3, to provide more square footage and flexibility for larger retailers to attract patrons. Lastly, each individual unit will be able to control their own heat/air conditioning with mechanicals hidden on

the roof. The basement garage will also be vented through the roof. Parking will have an assigned number with the balance “at large.”

Again, Mr. Thoman shared his concerns about density and the rationale for it. Mr. Smith reiterated it was due to the way the village was developing its downtown area and expanding its borders, etc. Mr. Quirk was not satisfied with the response and believed it was a matter of the village reviewing its bulk requirements and evaluate whether it makes sense in the downtown district. Mr. Thoman agreed and believed it was something to consider in the future.

Mr. Lavoie understood where Mr. Thoman was coming from and asked if the village would give him and Mr. Penavic the opportunity to move tenants over to the new building and the demolish the building, so as not to displace the tenants. Per Ms. Hogstrom’s questions the building will be concrete and steel frame.

The chairman opened up the meeting to public comment.

Mr. Bill Holbert, 2493 S. Center St., Channahan, IL, voiced concern about displacing seven businesses when only three retail spaces were being constructed, one of which was his wife’s business for 28 years.

Dr. Gordon Goodman, 5834 Middaugh, Downers Grove, agreed that the occupancy for the first phase really needed to be reviewed, but more so for the commercial tenants. He believed it was important to have businesses at the present corner which complemented the businesses at Burlington and Washington Streets (east side) and such businesses were supported by the residents but they were being driven out if the proposal was approved tonight. Slides of the current tenant spaces were shown on the overhead. Mr. Goodman hoped that the new retail space would increase closer to 4,000 square feet since it was almost 3,000 square feet. He also believed it was time for the commissioners and council to state that the downtown business district is primarily for business and if a business can be supplemented with residential use, multi-family residential use would be fine. But if the multi-family residential use displaces the business use, it is not in the public interest for the village.

Mr. John Polivka, 6016 W. Washington, Downers Grove agreed with Dr. Goodman’s comments. He found it interesting that staff worked with the petitioner for a year but the residents received four weeks with no adequate representation for them. He proposed to the council to appoint an advocate to represent the residents and recommended it again. Mr. Polivka also recommended preserving the business district. He believed the building was too large to support the parking.

Julie Vacala, 945 Burlington, Downers Grove, shared her concerns about displacement, especially to those who do not drive and rely on public transportation. She asked if someone would be assisting the residents with relocation because it should have been represented at the residents’ meeting instead of sending residents to find their own homes. She believes the village should require the developer to make a financial contribution for the displacement of its residents. She cited the letter the residents received stating there was a leakage from the property to the north when there was no leakage at 904. There was going to be benefits to the residents and she had yet to hear what benefits they were. Other concerns followed regarding increased traffic and residents paying for tenants’ utilities which the developers never mention.

Mr. Emil Mudra, board president for Acadia on the Green, stated the traffic was very bad, parking was difficult, grocery shopping was a challenge and density was becoming a problem. He asked the commissioners to be considerate of this proposal.

Mr. Lavoie returned and explained that the owner was going to work with the tenants with regard to relocation. Further discussion followed. A traffic consultant did review the plans.

Mr. Penavic returned and explained how he tried to improve the 910 Curtiss building over the past 7 to 8 years but the stairs were too narrow and steep for certain types of people and there was constant turnover of tenants. The alternative was what the village suggested, i.e., redevelopment.

No further public comment was received.

Chairman Rickard said his only concern was the loss of the retail space. It was discussed if there was an opportunity/compromise to keep the parking ratio as is and convert a couple of residential units to another retail use that does not have a parking demand, which could bring down the density and provide more retail. Mr. Lavoie and Mr. Smith explained the challenges the parking ramp creates. Discussion followed on various options.

Mr. Tim Penavic, 5512 Fairhaven Court, was sworn in and stated he works at Nu Living and handles the retail rental which do stay vacant (18 months to 2 years) longer than an apartment. He explained why some of the retail tenants were moving, i.e., outgrew space, while the other tenants were making their spaces work. The new building would have 9 feet ceilings. Asked if the building could come further east and create one more "front", Mr. Penavic stated the Plan Commission would not approve the request for five tenant spaces since no parking would be available. Also Mr. Lavoie pointed out he had to meet ADA requirements and needed a grade transition in a certain location. Other suggestions followed.

Mr. Quirk asked staff to provide the commission, in the future, with the calculations sheet used for Condition No. 7 (school and park donations).

WITH RESPECT TO FILE 15-PLC-0028, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSTIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PUD AND SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; ARCHITECTURAL DRAWINGS PREPARED BY ARETE DESIGN STUDIO DATED SEPTEMBER 4, 2015 WITH SOME LAST REVISED ON SEPTEMBER 25, 2015 AND ENGINEERING AND LANDSCAPE DRAWINGS PREPARED BY C.M. LAVOIE DATED SEPTEMBER 4, 2015 WITH SOME LAST REVISED ON SEPTEMBER 23, 2015 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES;**
- 2. A DEMOLITION PERMIT FOR THE EXISTING 910 CURTISS BUILDING MUST BE APPLIED FOR, REVIEWED BY THE VILLAGE AND APPROVED BY THE VILLAGE PRIOR TO THE ISSUANCE OF A BUILDING PERMIT TO START CONSTRUCTION ON PHASE I OF THE PROPOSED DEVELOPMENT;**

3. **A CERTIFICATE OF OCCUPANCY WILL NOT BE ISSUED FOR PHASE I UNTIL THE DEMOLITION OF THE EXISTING BUILDING AT 910 CURTISS STREET HAS BEEN STARTED AND THE BUILDING IS NO LONGER STANDING;**
4. **IF FOR ANY REASON, THE CONSTRUCTION OF PHASE II IS NOT COMPLETED AND THE DEMOLITION OF THE EXISTING 910 CURTISS BUILDING DOES NOT OCCUR:**
 - A) **THE APPLICANT SHALL BE REQUIRED TO SUBMIT AN APPLICATION TO THE VILLAGE COUNCIL TO PERMIT THE EXISTING 910 CURTISS STREET BUILDING TO REMAIN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR PHASE I;**
 - B) **THE TEMPORARY CURB CUT LOCATED ON WASHINGTON STREET IMMEDIATELY NORTH OF THE EXISTING 910 CURTISS STREET BUILDING SHALL BE REMOVED AND THE CURB AND PARKWAY RESTORED. ADDITIONALLY, THE PARKING LOT THAT THE TEMPORARY CURB CUT SERVICES SHALL ALSO BE REMOVED AND RESTORED TO OPEN GREEN SPACE;**
 - C) **THE EXISTING GRAVEL PARKING LOT IMMEDIATELY TO THE EAST OF THE EXISTING 910 CURTISS BUILDING SHALL BE IMPROVED TO A HARD DUST-FREE SURFACE THAT COMPLIES WITH THE VILLAGE'S PARKING LOT DESIGN, LANDSCAPING AND LIGHTING STANDARDS. THE IMPROVED PARKING LOT MUST BE TIED INTO THE NEW ACCESS DRIVE FOR PHASE I; AND**
 - D) **THE CURB CUTS ON CURTISS STREET SHALL BE REDUCED TO A SINGLE CURB CUT THAT MEETS THE VILLAGE'S DESIGN STANDARD;**
5. **A STOP SIGN SHALL BE INSTALLED AT THE INTERNAL INTERSECTION FOR THE OUTBOUND VEHICLES EXITING THE PARKING LOWER LEVEL;**
6. **ALL PROPOSED LIGHTING SHALL COMPLY WITH THE VILLAGE'S LIGHTING STANDARDS IDENTIFIED IN SECTION 10.030 OF THE ZONING ORDINANCE;**
7. **PRIOR TO ISSUING ANY SITE DEVELOPMENT OR BUILDING PERMITS, THE PETITIONER SHALL MAKE PARK AND SCHOOL DONATIONS IN THE AMOUNT OF \$252,468.73 (\$172,770.03 TO THE PARK DISTRICT, \$57,690.15 TO ELEMENTARY SCHOOL DISTRICT 58, AND \$22,008.55 TO HIGH SCHOOL DISTRICT 99);**
8. **PRIOR TO ISSUING ANY SITE DEVELOPMENT OR BUILDING PERMITS, THE PETITIONER SHALL:**
 - A) **PAY A FEE, AS DETERMINED BY THE VILLAGE FORESTER, TO REMOVE TWO PARKWAY TREES**
 - B) **PAY A \$1,000 FEE IN LIEU PAYMENT FOR THE INSTALLATION OF TWO NEW PARKWAY TREES;**
9. **THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM IN ACCORDANCE WITH THE VILLAGE'S REQUIREMENTS;**

10. THE PETITIONER SHALL INSTALL A WATER QUALITY STRUCTURE WITHIN THE OUTSIDE PARKING AREA TO TREAT STORMWATER PRIOR TO ENTERING THE DOWNTOWN STORM SEWER SYSTEM; AND

11. THE APPLICANT SHALL COMPLETE AN ADMINISTRATIVE LOT CONSOLIDATION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

SECONDED BY QUIRK. ROLL CALL:

AYE: MR. QUIRK, MR. CRONIN, MRS. HOGSTROM, CHAIRMAN RICKARD

NAY: MR. THOMAN

MOTION CARRIED. VOTE: 4-1

Mr. Thoman summarized that he voted nay because the proposal does not meet certain Standards of Review Criteria which he read from the code. He liked the look of the building but not with 48 units and believed if the number of units were reduced the retail space could be increased.

Dir. Popovich invited the commissioners to attend tomorrow's council meeting as there would be a proclamation made for National Community Planning Month. A November 2nd Plan Commission is scheduled.

THE MEETING WAS ADJOURNED AT 11:25 P.M. ON MOTION BY MR. QUIRK, SECONDED BY MR. THOMAN. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 5-0.

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)