

APPROVED

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING

October 26, 2020, 7:00 P.M.

Chairman Rickard called the October 26, 2020 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; Commissioners Boyle, Dmytryszyn, Johnson, Majauskas, Patel

**ABSENT:** Commissioners Maurer, Rollins, Toth

**STAFF:** Planning Manager Jason Zawila

**VISITORS:** Petitioner Chris Johnson, 603 Rogers Street, Downers Grove; Mr. Terry Peccara (phonetic), 965 Rogers St., Downers Grove; Mr. Michael Cassa, President and CEO of the Downers Grove Economic Development Corporation, 5159 Mochel, Downers Grove

**APPROVAL OF MINUTES – SEPTEMBER 14, 2020**

**MOTION BY MS. MAJAUSKAS, SECONDED BY MR. DMYTRYSZYN TO APPROVE THE MINUTES OF THE SEPTEMBER 14, 2020 MEETING AS PRESENTED. MOTION PASSED BY VOICE VOTE OF 6-0.**

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

**PUBLIC HEARINGS**

**FILE 20-PLC-0019:** Petition seeking a Special Use approval for an assembly and entertainment use, in order to construct one additional theater. The property is currently zoned DB, Downtown Business. The property is located directly northeast of the intersection of Highland Avenue and Warren Avenue, commonly known as 5021 Highland Avenue, Downers Grove, IL (PIN: 09-08-124-001,-002 and -020). Tivoli Enterprises, Inc., Petitioner and 603-635 Rogers, LLC, Owner

Petitioner, Mr. Chris Johnson, 603 Rogers Street, Downers Grove, indicated his business runs Classic Cinemas at 15 locations throughout the Chicagoland area including the Tivoli Theater. He discussed that heated recliners that will be offered in the proposed theater. He discussed that the 5019 space located on Highland Avenue, and next to the Tivoli, offered an opportunity to expand his business, allowing him to offer twice as many movies. He referenced the elevations on the overhead, pointing out that the building offers handicap seating in the back of the auditorium and allows wheelchair seating to be “stepped” accordingly. Mr. Johnson walked through some slides reflecting the seating that will be available.

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Furthermore, he explained the various renovations he was planning to make to the space, saying he was going to repurpose the terra cotta on the bottom. He believed the proposal was desirable for the community. He would not exceed the existing seating capacity for the proposed space.

Chairman Rickard opened up the meeting to public comment.

Mr. Terry Peccara (phonetic), 965 Rogers St., asked if the parking lot at the southeast corner of Highland and Rogers would be affected by the new plan, wherein Planning Manager Zawila clarified that there was a condition on the approval that staff was recommending that additional landscaping be added to the lot to improve it but it would be planted next year due to the upcoming winter season. No building addition would be constructed there as part of the plan.

Mr. Michael Cassa, President & CEO of the Downers Grove Economic Development Corporation, 5159 Mochel, Downers Grove, was sworn in. He shared his support for the special use petition for the Tivoli Theater, citing the village's two full service hotels and the Tivoli were forced to close due during the pandemic due to state restrictions and the economy as a whole. He discussed the theater's importance to the downtown and the fact that the Tivoli was going to open a smaller venue to provide some form of entertainment. Because the Tivoli was such a large theater, it did not make sense to only have 50 patrons in such a large auditorium. The owners were making a significant investment and Mr. Cassa reiterated his support for the special use request.

Planning Manger for the Village, Mr. Zawila reiterated that the petitioner's request was for a special use for an additional theater within the existing building in the downtown business district (5201 Highland Ave.). The property was zoned DB (Downtown Business) and the special use was classified as Assembly and Entertainment Uses, which did require a special use. The entrance to the empty existing retail space would be removed with the facade renovated to resemble a commercial storefront display, similar to the other facades located around the building.

The property is located in the Key Focus Area within the Comprehensive Plan and focused on promoting a variety of uses, including to facilitate the economic viability of such developments, adherence to the village's landscaping/screening requirements for parking lots, utilization of attractive display windows to maintain general interest/foot traffic and coordination of architectural detail, mix of land uses, and pedestrian-oriented design. Staff pointed out the petitioner was meeting several of the bullet points that were in the village's guidelines. Details of those were shared. However, Mr. Zawila added that as a recommended condition of approval, the two theaters would not exceed the occupancy of the main theater, or 1,048 seats. Staff recommended approval of the special use.

Chairman Rickard inquired of staff the reason for limiting the seating capacity, wherein Mr. Zawila explained that parking and traffic had to be considered when reviewing special uses. Additional questions followed on how that capacity figure would be enforced, i.e., as with other buildings, Mr. Zawila said a set occupancy number is stated on the permit. He did discuss with the petitioner that any special event could not exceed the number of seats allowed in the main theater.

Mr. Johnson returned and explained that no internal construction would take place within the building. Some landscaping would be planted at the corner, avoiding sight lines. A storm water drain would also be tied in so no water pooling would take place at the corner. Mr. Johnson

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mentioned he was trying to avoid having a parking study done, which was where the capacity figure came into play. On the bright side, he reported the Google reviews for the Tivoli were at 4.8 and he appreciated the community's support.

Commissioner comments were supportive and the petitioner was praised for "thinking outside the box" given the pandemic. With the theater able to offer two movie theaters/events, commissioners agreed it could bring more residents to the downtown. Staff was commended for thinking about traffic concerns.

Based on the petitioner's submittal, the staff report, and the testimony presented, Commissioner Majauskas found that the petitioner met the standards of approval for a Special Use as required by the Village of Downers Grove Zoning Ordinance and stated it was in the public's best interest.

**WITH RESPECT TO FILE 20-PLC-0019, COMMISSIONER MAJAUSKAS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE PROPOSED SPECIAL USE REQUEST FOR AN ASSEMBLY AND ENTERTAINMENT USE SHALL SUBSTANTIALLY CONFORM TO THE PLANS PREPARED BY STUDIO21 ARCHITECTS, DATED SEPTEMBER 3, 2020, ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES;**
- 2. THE BUILD-OUT SHALL MODIFY THE AUTOMATIC SUPPRESSION AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM, AS REQUIRED BY VILLAGE ORDINANCE.**
- 3. A CURBED LANDSCAPED AREA AND STORMWATER CONNECTION BE PROVIDED AT THE NORTHWEST CORNER OF THE EXISTING PARKING LOT. THESE IMPROVEMENTS WILL NEED TO BE COMPLETED NO LATER THAN MAY 15, 2021; AND**
- 4. THE CAPACITY OF THE MAIN THEATER SHALL BE REDUCED BY THE NUMBER OF SEATS IN THE SECOND THEATER, SO THAT THE OVERALL CAPACITY OF THE TIVOLI THEATER PORTION OF THE BUILDING IS NO MORE THAN 1,048 PEOPLE, THE CAPACITY OF THE MAIN THEATER.**

**SECONDED BY COMMISSIONER PATEL. ROLL CALL:**

**AYE: MAJAUSKAS, PATEL, BOYLE, DMYTRYSZYN, JOHNSON, CHAIRMAN RICKARD**

**NAY: NONE**

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

Mr. Zawila announced that the Fairview Flats apartment petition was approved at the last Council meeting. Also, there will be a commission meetings on November 2, 2020 and November 16, 2020, respectively. Staff extended appreciation to the commissioners for accommodating the meeting space during the pandemic.

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**THE MEETING WAS ADJOURNED AT 7:31 P.M. ON MOTION BY MR. BOYLES  
SECONDED BY MS. JOHNSON. MOTION CARRIED UNANIMOUSLY BY VOICE  
VOTE OF 6-0.**

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