

**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MINUTES  
NOVEMBER 4, 2019**

**CALL TO ORDER:**

Chairman Rickard called the November 4, 2019 meeting of the Plan Commission to order at 7:00 PM and led in reciting the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT: Mr. Dmytryszyn, Ms. Gassen, Ms. Johnson, Ms. Majauskas, Mr. Maurer, Mr. Patel, Ms. Rollins, Ch. Rickard**

**ABSENT: Mr. Boyle, Ex. Officio Members Olczyk, Livorsi & Menninga**  
**A quorum was established.**

Ch. Rickard reminded everyone present to silence any electronic devices during the meeting and noted that copies of the Agenda are available on the shelves at either side of the Chamber.

**STAFF:** Jason Zawila, Planning Manager  
Flora Ramirez, Development Planner  
Gabby Baldassari, Development Planner

**VISITORS:** Scott Richards, 1130 Warren Avenue  
Barbara Whiting, 814 Warren Avenue  
Paul Lagno, 404 Prairie Avenue  
Brent Miller, 4736 Florence Avenue  
Marge Earl, 4720 Florence Avenue  
Carol Schmidt and George Joch, 4800 Florence Avenue  
Jim and Wendy Kyser, 840 Rogers Street  
Michael Cassa, DGEDC, 5159 Mochel  
Jen Hense, Oakley Builders, 5216 Main Street  
Steve Sobkowiak, Oakley Builders, 5216 Main Street  
Todd Davies, Cadence, 5101 Mochel  
Will Kreuzer, Tartan, 350 W. Hubbard Street, #640, Chicago  
Richard Kasper, 4942 Elm Street  
Lynn Scalia, 838 Rogers Street  
Scott Uloswech and Kelsey Brar, 5007 Washington Street  
Don Koegel, 832 Rogers Street  
Steve Corcoran, Eriksson Engineering, Grayslake

**APPROVAL OF MINUTES: October 7, 2019 meeting**

**Ms. Gassen moved, seconded by Ms. Dmytryszyn to approve the minutes for the October 7, 2019 meeting.**

**The Motion to approve the minutes passed by Voice Vote.**

Ch. Rickard reviewed the procedures to be followed for the one scheduled public hearing, explaining that the Plan Commission is strictly a recommending body. The purpose of the meeting is to gather facts, information and testimony on items on the Agenda. The Plan Commission's decision is not final, but is strictly a recommendation to the Village Council for the Council's final decision. He said a report would be forwarded to the Council with a Motion to recommend approval, recommend approval with refinements, or recommend denial of the petition. The Village Council makes all final decisions.

Meeting procedures are as follows:

The Petitioner will present its case to the Plan Commission, followed by questions to the Petitioner by Commission members.

The Public will then have an opportunity to make comments before the Commission regarding the case under consideration. Chairman Rickard asked that each speaker provide his or her name and address for the record.

Following presentations by the Public, a member of the Community Development Department will present Staff's report.

Upon completion of presentations by the Staff and the Public, the Petitioner will have the opportunity to question statements made or provide a closing statement.

The Chairman will then close the public hearing portion of the meeting, and the Commission will review the information provided and ask questions of the speakers.

Upon completion of the Plan Commission's deliberation, a Motion will be made containing a recommendation to the Village Council regarding the case.

Ch. Rickard then asked everyone who intended to speak on the petition before the Commission to rise and be sworn in.

## **PUBLIC HEARINGS**

**19-PLC-0028: A petition seeking approval for the Right-of-Way Vacation of an Alley. The adjacent properties are zoned R-4, Residential Detached House 4. The subject property is currently zoned M-1, Light Manufacturing. The property is located between the properties at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue, Downers Grove, IL (PIN 09-09-101-022, -014, -015) Paul Lagno, Petitioner and Village of Downers Grove, Owner.**

### **Petitioner's Presentation:**

Mr. Paul Lagno of 340 Prairie and Brent Miller, 4736 Florence Avenue, Downers Grove, IL introduced themselves as petitioners. Mr. Lagno referred to the location of his home

on the map on the screen. He indicated that they have used the gravel driveway and alleyway to access this property, which has been used for the last 25 years. He recognized that he started his improvements without permit and apologized to the Village. He felt the best way to proceed was the alley vacation and thanked the Village staff.

Ch. Rickard called upon the public to make any comments regarding this petition at this time.

Dan Blaney, 5406 Maplewood Place, indicated that his mother lives at 4740 Florence, immediately east of the proposed alley vacation. He indicated that he also lived there for 26 years and wanted to understand any ramifications for his mother's property if the alley was vacated. He also stated that it was great that they were paving the right-of-way and it is unfortunate that the previous homeowner, Mel Spohn, could not get the Village to pave the right-of-way. He felt that this was a better surface for the winter weather. Mr. Zawila indicated that he would cover how right-of-way vacation works as part of his presentation.

Mr. Maurer inquired if the Village is proposing to improve the alley.

Mr. Zawila clarified the petition in front of the Plan Commission is to vacate the right-of-way and property would be granted to adjacent property owners, which he will offer further detail as part of his presentation and their planned improvements.

Marge Earl, 4720 Florence Avenue, shared her understanding that the Village does not maintain or install right-of-way that is concrete and that alleys are generally constructed with asphalt and not with concrete as the applicant was proposing.

Mr. Zawila clarified that the Village does have specifications for concrete alleys, but asphalt is typically installed, as previously stated. He further clarified that the applicant started work without a permit in both the right of way and on private property.

Ms. Earl inquired if the petitioner checked if he needed a permit and that he still proceeded with the work, without the permit. Mr. Zawila confirmed that was correct on both accounts.

There were no further comments from the public.

**Staff's Presentation:**

Jason Zawila, Planning Manager with the Village, said that the petitioner is requesting vacation of a 16-foot wide by 104-foot deep alley immediately adjacent to and between the properties at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue. The alley has been historically used for access to the property located at 304 Prairie Avenue. It was noted that the applicant started work without a permit and ultimately requested an alley vacation.

Mr. Zawila stated that if the alley vacation is approved, the applicant plans to move forward with completing construction of a concrete driveway that will be required to meet all Village codes and requirements. Per the Village's vacation policy, written consent was received from the two abutting property owners. He stated that the owners of 4736 Florence Avenue had provided written consent, subject to purchasing a 16 foot by 30 foot portion of the alley that abuts their property, while the applicant will purchase the remaining portion of the alley as depicted in the attached vacation plat.

Mr. Zawila further stated that the owners of 4740 Florence also provided written consent and are not interested in purchasing the portion of the alley that abuts their property. Per the Village's Right-of-Way Vacation Policy, staff contacted the utility companies, outside public agencies and other Village departments to determine if any rights to the public right-of-way should be retained. The utility providers and the Village do not object to the vacation of the right-of-way as long as a public drainage, utility and access easement is retained along the entire width and length of the alley.

Mr. Zawila then referenced the cost of the alley vacation that will be the burden of the applicant and explained what encumbered value is for alley vacation purposes. He then referenced the standards that are required to be met for the vacation and recommended approval as stated on page 4 of the staff report.

Ms. Gassen asked if the Village received a letter from 4740 Florence. It was identified that written correspondence was received from the property owner, but there was typo in the letter regarding the address.

Ms. Majauskas stated that she does not have concern on the split of the alley, but questioned if there will be an issue with ingress and egress for the rest of the alley north of the property, for the portion that can still be vacated.

Mr. Zawila stated that when staff receives a request we attempt to prevent the limitation of access and work with multiple residents. In this case the alley north of the subject property is unimproved and all residents have access to the roadway in front of their home.

Ms. Majauskas further stated that with vacations there may be some point that the remaining right-of-way does not allow for ingress and egress and the Village should just give property to adjacent property owners. Mr. Zawila added that the current policy for vacations are property owner initiated.

Ms. Johnson inquired on who is responsible for maintenance and improvements of the driveway to Prairie Avenue from the proposed vacation area. Mr. Zawila replied that the owner will need to construct access to the right of way (road) that must meet Village standards and the homeowner is responsible for maintenance.

The petitioners stated they look forward to moving through the process and the opportunity to use more property and thanked the Commission for their time. There being no further discussion, Ch. Rickard closed the opportunity for further public comment.

**Commission Deliberation:**

Ch. Rickard asked if the Commissioners had any comments regarding this proposal.

Ms. Rollins stated that the Commission has seen this a couple times and it makes sense. It makes sense as nobody uses the right-of-way.

Ch. Rickard stated that it is the Village's desire to see that these alleys are consumed, and it is straight forward.

**Ms. Gassen stated that based on the petitioner's submittal, the staff report, and the testimony presented, the proposed alley vacation complies with the alley vacation policy of the Village and is in the public interest, and therefore, moved that the Plan Commission recommend that Village Council approve 19-PLC-0028.**

**Subject to the following conditions:**

- 1. The vacation shall substantially conform to the staff report dated November 4, 2019.**
- 2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 16-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.**
- 3. No additional improvements proposed to the driveway may be placed until a permit has been reviewed and approved by the Village.**
- 4. The driveway, approach and all improvements made to proposed vacated portion of the right-of-way, shall be improved to meet all Village Code requirements.**
- 5. Prior to execution of the plat, the petitioners shall pay the Village a total of \$6,870.30.**

**Motion seconded by Commissioner Dmytryszyn**

**AYES: Dmytryszyn, Gassen, Johnson, Majauskas, Maurer, Patel, Rollins, Ch. Rickard**

**NAYS: None**

**The Motion passed unanimously**

**19-PLC-0030: A petition seeking approval for a Planned Unit Development to operate an eating and drinking establishment. The property is currently zoned DB, Downtown Business. The property is located directly northeast of the intersection of Washington Street and Warren Avenue, commonly known as 844 Warren Street Avenue, Downers Grove, IL (PIN: 09-08-125-004). Steve Sobkowiak, Oakley Home Builders, Petitioner and Roger Andreen, Owner.**

**Petitioner's Presentation:**

Mr. Steve Sobkowiak of 5319 Blodgett, Downers Grove, IL introduced himself and thanked staff for their efforts and thoroughness on this project. He stated as a resident and business owner it is good to know that there is a lot of forethought that goes into new development in town. He moved on to share the vision for 844 Warren. First Mr.

Sobkowiak introduced his team, he started by introducing himself as the owner of Oakley Home Builders; Jen Hense, licensed architect at Oakley Home Builders; Todd Davis, owner of Cadence Kitchen; Will Kreuzer, Tartan Realty; and Steve Corcoran, his parking expert.

Mr. Sobkowiak provided some background on Oakley Home Builders by sharing that he is originally from Downers Grove and started a company based in Downers Grove. Oakley Home Builders has constructed in fifteen years about 170 luxury homes and he was happy to tell the audience that 60 of those homes are in Downers Grove. Mr. Sobkowiak shared that he thinks a lot of this community, he loves what it brings, it has a great mix of people, and he is proud to raise his family in Downers Grove.

Mr. Sobkowiak then stated that their first office was George Swimmers previous location on Main Street. Oakley Home Builders was working on a few residential projects and were growing and needed a new location. Across the street from George's place was Nancy's Teahouse, and this would be Oakley's first entry into the world of commercial construction. Oakley needed more space and they needed a design showroom and staff. Mr. Sobkowiak expressed that it was a great project as he worked with Mark Mourek, who told him that Oakley would work on more and more commercial projects. While Mr. Sobkowiak believed that was unlikely, that project was successful. Oakley was successful and again outgrew that space. The second project Oakley took on was the old Carlson Paint building, similar to Nancy's tea house that property had sat vacant for many year. Mr. Sobkowiak looked at the building and thought it would be a great opportunity to improve Downers Grove since this was a great intersection and he expected future development in the area. Oakley Corporation is housed on the second floor and they rent to SPENGA on the first floor.

Mr. Sobkowiak then moved on to talk about the new project. As someone who lives in Downers Grove and spends a lot of time driving across the tracks, with his house south of the tracks and his office north of the tracks, he passes the intersection (Warren and Washington) a lot. He sees a lot of people, trains, and a bad looking building, so he spent a lot of time thinking about what he could do with this building. He mentioned that Jen would spend some time talking about some of the limitations associated with the existing conditions. Mr. Sobkowiak noted that future development cannot be residential. Previously the property had been under contract, however since it was a service station, there are environmental restraints that prohibit residential development so they are left with commercial. Oakley has spent time looking at the Downers Grove Comprehensive Plan, and the existing zoning, both which encourage downtown restaurants and walkable locations, and they thought this concept would be great.

Mr. Sobkowiak then went on to share that the concept is borrowed from a place called Big Star in the Chicago neighborhood of Bucktown. This restaurant was an old service station that they turned into an outdoor patio where tapas were served. The idea behind the concept was to ensure the design would add to the beauty of the Main Street train station. At Main Street development covers all four corners. The intersection of Washington Street and Warren Avenue is not pretty. So the idea was to add more landscaping, an outdoor patio, and create a space for families to spend more time.

Mr. Sobkowiak notes that most downtowns have large open patios and that Downers Grove does not currently have large patio spaces in the downtown. To ensure this vision came true Mr. Sobkowiak shared how he assembled his team. He first offered background on Will Kreuzer who is a commercial developer with over 20 years of experience, and has developed 40 properties in the Midwest and his company believes in a "build and hold strategy." This last note is important to Mr. Sobkowiak because he wants to develop properties to ensure he can make Downers Grove a better place not simply to develop properties and sell them. From there, Mr. Sobkowiak shared that he reached out to Todd Davis since he is also a Downers Grove resident and has invested in this community also. Then, Mr. Sobkowiak explained after reaching out to Jen Hense in his office, who has 20 years of experience as an architect and was able to quickly draft a three-dimensional rendering for the site.

Jen Hense, 308 6<sup>th</sup> Street Downers Grove, IL, stated that she moved to Downers Grove five years ago looking for a neighborhood to raise her kids. She shared that the proximity to the train station allows her husband to commute into the city and the children are able to attend a District 58 school. Ms. Hense notes that she wishes there was a restaurant that her family could enjoy a with an outside and an inside. This site was one that she had thought about often.

Ms. Hense introduced the site located at the corner of Washington and Warren within the Downtown Business District. The neighbors to the east are in the Downtown Business District also, those to west are zoned Downtown Business District, and neighbors to the north are residential properties. The property is the only one in the area that is vacant, as it was previously a service station. Ms. Hense notes that almost the entire site is concrete and asphalt and currently has 14 parking stalls. The site is in poor condition including the retaining wall to the north of the site and the building has been broken into. The building is a single-story masonry building with garage doors and is setback 60' from Warren and 27' from Washington. In reviewing the potential for development Ms. Hense states that she saw the Phase I NFR letter which limits the development of this site to commercial and light industrial. No residential could ever be developed on this site. With this in mind the proposal includes keeping the building as is and pays homage to the service station. Two building additions are proposed. Ms. Hense explains that the first addition is directly to the east and will have similar materials to match the existing building. This section of the building will house indoor games including golf simulations. The second addition is a four-season glass and steel enclosure with a retractable roof and doors that can open up into the outdoor space. Lastly, an outdoor terrace is proposed all the way out to the sidewalk to fill the site without building up to the edge. The outdoor area would be programmed with games, outdoor seating, and fire pits.

Ms. Hense then showed the proposed elevations to indicate the significant grade change as you walk north on Washington. This grade change allows the design to create a multi-level and multi-layer landscaped area to include landscaped beds, railings, and retaining walls, to hold back the flat seating area. The existing materials will be kept and the brick will be painted. New garage doors and a new parapet to allow for rooftop equipment screening will be extended to the new addition. She then noted that

site will have two privacy screens which will be added to the north and east sides of the site from the edge of the building out to the sidewalk.

Ms. Hense then showed photos of outdoor concepts, highlighting Big Star in Chicago that served as inspiration for this design. A three-dimensional model was then shown to further describe the site. The main entrance is on Warren Avenue and it allows residents to interact with all of the landscape in the street yard. An overall shot at the corner of Washington and Warren shows a much different view than the existing view. From this angle the glass enclosure, additional landscaping, seating, fire pits, and dedicated game areas are visible. Finally, an overall shot of the outdoor concept was shown.

Ms. Hense went on to explain that in their narrative they believe they meet or exceed the five PUD criteria. She goes on to state that their inspiration is derived from the Comprehensive Plan of Downers Grove. The six major items they focused on were to ensure the development would be pedestrian oriented, that it would promote the walkability of downtown, utilize the existing setbacks and create large open spaces, reduce the stormwater runoff by removing all of the concrete at this site, and redevelop a vacant downtown site with infill development. Ms. Hense understands that they have requested a lot of relief. However, she notes that this concept, no matter where it is in the downtown, will require relief. She notes that they do not meet the build-to zone, but they want to consider the outdoor plaza as part of the overall structure. Lastly, Ms. Hense stated that they have worked with a parking consultant who is present tonight if any questions come up. She also notes that the Village provided a preliminary parking study that focused on the closest lots: Lot L, Lot F, and the 12-hour metered parking spots on Warren. Using this data, Ms. Hense stated that they believed the proposal has met its parking needs. She also notes that the study did not take into account any other parking downtown and they do not plan on utilizing any of the residential parking north of Rogers. Ms. Hense thanked the commission for their time and consideration.

Ch. Rickard opened the floor to questions from the Commission.

Ms. Rollins asked about the trash enclosures and how the garbage would be picked up. Ms. Hense explained that there is pedestrian alley by the trash enclosure. This was designed so the service can happen back there and the garbage dumpsters would be accessed from the side. Mr. Rickard further inquired if the containers would be wheeled out to a truck in the street, instead of a truck maneuvering onto the property to empty the dumpsters. Ms. Hense confirmed Mr. Rickard's understanding.

Ms. Gassen asked about the location of the property line in relation to the pedestrian alley. Ms. Hense showed the location of the property line and confirmed that the neighbor to the east has their driveway located east of the property line. Mr. Zawila added that the alley is a pedestrian alley not a Village right-of-way.

Mr. Maurer asked if the two parking lots, indicated as available parking, are not in fact commuter parking during the day. Ms. Hense confirmed this was correct. Mr. Maurer further indicated that the reduced lunch time parking count of 17-25 cars could not



actually park there during lunch. Ms. Hense confirms that parking may not be available there.

Mr. Maurer went on to state that this was also true for Lot L and concludes that those two lots are not really available for the majority of the day, while in the evening the spaces would be available. He wanted to clarify what spaces are actually available as he considers his understanding for parking and traffic in this area. Ms. Hense agrees that lunch is the most susceptible in parking inadequacy as opposed to evenings and weekends.

Mr. Maurer then requested that Ms. Hense go back to the parking diagram to try and figure out where the 17-25 cars might park during the lunch hour. Ms. Hense noted that they did not consider any other parking lots in the downtown area, so she imagined that those 17-24 cars could also be people walking. She offered the example that she lives and works downtown and rarely drives.

Mr. Maurer corrected Ms. Hense and stated that the 17-24 cars is part of the parking count so these people are not walking. Ms. Hense agreed with Mr. Maurer but noted that there is very little data on a national study scale of how many cars are parked versus how many people are walking and rideshare. Mr. Maurer understood, but mentioned that the 17-24 is the reduced estimate of what will be driving. He added that just to say there is no data and that we are just working in the dark does not give the community any comfort. Ms. Hense then requested that Mr. Corcoran answer additional parking questions.

Mr. Corcoran introduces himself as the Director of Traffic Engineering at Eriksson Engineering, Grayslake, IL. He then noted that for the evenings and weekends there is plenty of available parking in the area. The issue is the midday time for lunch. Mr. Corcoran referenced the preliminary parking data provided by the Village for Lot F, Lot L, and the twelve-hour parking worth a total of 32 empty spaces at midday. So, these available spaces would account for the required 17-24 vehicles during that time frame.

Mr. Maurer thanked Mr. Corcoran but noted that his question is that those lots are reserved for commuters so although no one is parked there, if he tried to park here he could be ticketed because he would be in a reserved commuter zone. Mr. Zawila clarified that the spaces are available to the public after 11 A.M.

Mr. Dmytryszyn asked if the study uses multiple sample times and what days of the week or times of the day are these results from. Mr. Corcoran clarified if Mr. Dmytryszyn meant the parking data or the demand for parking. Mr. Dmytryszyn clarified that his questions was about the data related to how many parking spots were available midday. Mr. Corcoran stated that the data was provided by the Village and he is unsure about what sample days were used for that information.

Mr. Maurer expressed his concern over special events such as events at the Tivoli or the high school choir. Rogers becomes a one-way street due to parked cars. He questioned that if there is in fact existing parking capacity that the Village may be suffering from crowding in that neighborhood. Mr. Corcoran shared that in order to

accommodate for special events, the restaurant has offered to provide valet parking. This way, the cars could be placed in parking lots that are further away if required.

Ch. Rickard asked staff if this was constructed new in this zoning district would parking be required. Mr. Zawila explained that if new construction was proposed and it met the bulk regulations of the zoning ordinance there would be no parking required for a restaurant use. However, with the PUD and the requested deviations this petition is appearing before the Plan Commission.

Ms. Gassen asked for staff to confirm if the lack of parking was a deviation from the zoning ordinance. Mr. Zawila confirmed that parking is not a code requirement for the restaurant use in the downtown. However, he added that the Comprehensive Plan recommendations include the requirement for a parking study for redevelopment projects and that is why the parking study is part of this discussion.

Mr. Maurer noted that he was attempting to read the staff report which stated that the Village parking requirement was 78 spaces and the estimated demand was 59 spaces. During lunch time there are 32 available spaces that will meet most of the projected demand which is estimated at 17-24 spaces. Mr. Maurer expressed concern over starting with a requirement of 78 spaces, decreased to 59 spaces, to 32 spaces, to 17-24 spaces. This said, Mr. Maurer asked Mr. Corcoran to explain the numbers.

Mr. Corcoran explained that the 78 spaces would be the Village requirement if this restaurant was built anywhere else in the Village. The next thing he looked at was national data for parking demands for a typical restaurant of this type and that is where they arrived at a required parking count of 110 spaces. This did not account for the downtown location of the restaurant. Adjustment were made to also account for the parking study conducted for the downtown in 2011 that focused on patron surveys. From these surveys, 53% indicated that they did not use an automobile to get to the downtown. Instead these patrons use public transit, carpooled, biked, or walked. This data was accounted for and the numbers were adjusted to reflect a parking demand of 44 spaces during lunch time. As compared to the national data, that indicates a demand of 32 spaces, their projections indicated that they are 12 spaces short. However, this did not account for weather and a reduction in seating and thus parking demand. Mr. Corcoran mentioned that the final option was to offer valet parking to make up for shortage in parking during the day.

Mr. Maurer asked Mr. Corcoran if they really reached a point where they took direction from their client who suggested that the parking demand was instead 17-24 spaces. Mr. Corcoran stated that he relied on his national data came up with a number that was not what his client wanted to see. So, if you looked at it that way there is only a shortage of 12 spaces. He also accounted for his clients' knowledge of the area and lowered the numbers. He then stated that the true question was if they should go with his data or the national data. The data showed they could be short twelve spaces and how do they accommodate for that. So, the solution for this area is to provide valet parking for the middle of the day. He further stated that is really a solution for the middle of the weekday, because once it is the evenings and the weekends, the commuters clear out, and there is not an issue.

Ms. Rollins asked the petitioner's where they would valet park.

Todd Davies, 5101 Mochel, stated that he operates Cadence and the soon to open Foxtail, which both have zero parking spaces. With the new restaurant they are starting to wrap their arms around how valet would work, but he expects to utilize private or public lots for his valet. He acknowledged that there were a lot of questions related to parking around the lunch hour during the week; if he needs to valet during the week that is good problem but does not expect more than 40 to 60 customers, which is reasonable.

Mr. Dmytryszyn wanted confirmation on how the percentage was reached regarding auto usage. He stated that the adjustment appeared to be made to also account for the parking study conducted for the downtown in 2011 that focused on patron surveys. From these surveys 53% indicated that they did not use an auto to get to the downtown. Instead these patrons use public transit, carpooled, biked, or walked. Mr. Corcoran confirm that is correct. Mr. Dmytryszyn further confirmed if the method that determined auto usage was similar to the how the 2011 parking study determined the percentage. Without it in front of him, Mr. Corcoran stated that he was not sure he knew exactly how the original survey was computed. He did state that in a suburban downtown, people like to park once within the downtown and go to multiple locations.

Ms. Majauskas stated that on one hand you don't need any parking for the use, as described by Jason, but she notices that you cannot find parking now and does not believe there is a lot of parking available in the evening with all the uses. She wanted clarification if those spots mentioned as available are for everyone. Chairman Rickard mentioned that that information was just provided to demonstrate what was adjacent to the site but doesn't provide what is available throughout the downtown. He further stated that the parking numbers available from the Village are in the middle day and evening. Ms. Majauskas further state that she is not saying that this is bad as the parking is available for all businesses.

Mr. Zawila clarified when the survey was conducted from the preliminary information that was provided to the petitioner. The survey was conducted during peak AM and PM hours for at least two instances on Thursdays and Saturday.

Mr. Sobkowiak further stated that the goal for this project is not to drive to it like other sites on Ogden and 75<sup>th</sup>; the point is that this is a walkable place which encourages walking, from the train, and from other businesses. He added that this would be a bar and they do not want to encourage drivers, and that ride share vehicles are prevalent in the downtown now. Chairmen Rickard echoed that point is reflected in the zoning ordinance which does not require parking in that district.

Ch. Rickard called upon the public to make any comments regarding this petition at this time.

Rick Hines, 922 Warren, stated that this a great idea and is in favor of the project. He stated that he looks forward to being able to walk to the restaurant. He did state that

he does not believe the 3-hour parking spots provided on the map exist and if there are special events or bowling those spots are not available; however, this is the downtown and they walk everywhere. He also mentioned that he thought there were plans to redevelop the Village Hall site and hopes that this intersection will see more redevelopment.

Barbara Whiting, 814 Warren Avenue, stated that she is located 5 lots west and wanted to make sure the Plan Commission received her letter. She said she read the summary of the neighborhood meeting, but it does not accurately reflect her comments at the meeting and felt the developer dismissed her concerns. The previous business did operate during the daytime and did have parking on site. She stated concerns that the proposed use would operate late in the night and there would be no onsite parking; the area just northeast is primarily residential and that is not being taken into consideration. This will introduce more foot and vehicle traffic and she is concerned about safety and security. Mr. Maurer indicated that they did receive the letter.

Jane Kagel, 832 Rogers, stated that she did not attend the neighborhood meeting, but wanted to reiterate previous speakers concerns. She also had additional concerns regarding outdoor activity, hours of operations and that nearby residential is not being taken into consideration.

Wendy Kaiser, 840 Rogers, stated that that with railroad construction earlier this year there was a big traffic situation and they could not leave their house because of traffic backups. She stated concern that during peak hours the use will cause a similar issue and blockade their vehicles in their homes.

Scott Richards, 1120 Warren Avenue, state that the project is attractive, but should be located in another area. This is too ambitious and is concerned that no parking will be provided on site and that there will be no parking available with other businesses in the area. He stated that people don't want to walk and will park in the closest location, which will include parking in the neighborhood, which is not fair. He also stated concerns about the hours of operation and that the petitioner will be taking existing parking from existing businesses.

Kelsey Brar, 5007 Washington Street, stated that she is the most affected resident of this project, as she lives right next door. She stated that she is a Millennial and that everyone in her generation ride shares and uses public transport. As part of the downtown everyone walks in the walkable environment. With her time living in the Village she personally had seen parking available east of the site that was not completely full. She stated that she does not see the issue, and that the property now is a public nuisance. She has four children and is concerned about their safety with the dilapidated building and potential toxic chemicals still there that have not been maintained. She stated that it is unfortunate how beautiful downtown is except this dilapidated building in the downtown. She said that everyone has to keep in mind that anything that locates will need parking no matter what opens there and feels that this a moot point. She originally thought that she would not want to live next to a bar, but as she is getting to know the community and more specifically the operators, she stated that she believes they have a high level of professional ethics and integrity and

believes what they are saying. Lastly, she stated that there is going to be traffic, and that is life, which you have to plan for. She would rather have these guys operate than what is there now.

Dan O Donnel, 835 Rogers, stated that he is located kitty corner to the subject property and would like to go on record his vote of confidence for the petitioner and their investment in the community. He further stated that you cannot build a house here and nobody will ever build a park here, but he feels this is a wonderful idea and is excited to see something happen here as he walks past the site every day and it has been an eye sore. He feels the petitioners will do a good job.

Michael Cassa, President of the Downers Grove Economic Development Corporation, stated that on the first day of the job on July 25<sup>th</sup> 2011, he was invited to the grand opening of Oakley Home Builders and met Steve and subsequently was able to also attend the grand opening of Steve's other facility he opened up further down Main Street and was able to get to know him well. Then 2.5 year ago, the late Linda Kunze said I have a guy that is going to turn Lemon Tree around, and his name is Todd Davies. He stated that he knew Todd from his Oswego days and that he was a professional restaurateur who is now opening a second restaurant after Cadence called Fox Tail and is looking to open this third restaurant. He stated that he has a lot of confidence in him.

Mr. Cassa went on to further state that this is a great concept for downtown and the Chicago area is embracing outdoor seating; it is what the public wants. He noted that Jason mentioned this is in a downtown district and is not residential and they are subject to all the rules and regulations for a downtown business property. He further stated that the Comprehensive Plan call for this this type of use which includes recommendations for restaurants and other commercial uses. He believes that they are proposing to transform a terrible building into something special. One question that he continues to get from residents and businesses on the north side, is when they are going to going to get some stuff. The north side lacks foot traffic that restaurants and shops provide; that is the whole idea. He further suggested that we need to get people on foot to the north of the tracks and that most of the new restaurants are on the south side where they create the synergy and energy needed. This will be a great addition and the Downers Grove Economic Development Corporation strongly supports this project.

Barbara Whiting returned to the podium and stated that she gets that this is zoned downtown business and that the neighbors should be taken into consideration.

Dick Kasper, 4942 Elm Street stated that the facility has been used for 20 years for auto repair and prior to that it was a gas station. He inquired if the tanks were removed. Chairman Rickard stated that they receive a letter from the State that no further remediation was required, but he was not sure if the tanks were removed. Mr. Zawila said that the petitioner can respond to that inquiry when they return to the podium, but reconfirmed that per the letter, residential could not be placed on the site, and the site could only be used for commercial or industrial purposes.

Mr. Maurer stated that is a very important point that was referenced in several locations in the agenda packet. It appears no further remediation is required and that a solid slab must be placed over the soil. Just as important that this cannot be used for residential use and that he understands that there is concern in the neighborhood about multi-family residential and that traffic is backed up at the lights in the area.

Will Kreuzer, Tartan Realty, stated that when the addition was added that the tanks were removed, and 6 feet of soil was removed from the site with the concrete slab being placed back. With the redevelopment they will ensure there are no conflicts with work completed and the environmental remediation that occurred on the site. The full phase 1 was completed and is available.

Chairman Rickard invited the petitioner back up to offer closing remarks.

Mr. Sobkowiak feels they addressed a lot of the concerns regarding parking and understands that this is a risky endeavor north of the tracks. They feel that they are meeting what the master plan recommends and this will drive foot traffic north of the tracks with a walkable space. He also admitted he has ulterior motives and wants to raise property values with this awesome opportunity that is great for the community. He thank the Commission and staff.

Mr. Davies returned to the podium to provide information on planned hours. As they learned being under a residential condo with Cadence, it is imperative that they are good neighbors. He feels they have been successful with that balance. He stated that the hours are not known yet, but this would not be 2:00 in the morning; that is not the idea. With Cadence they close their patio at 11:00PM and expect something similar. He stated that his current servers are respectful to the neighborhood and he is in the business to make people happy. He thinks his hours will be 11AM to midnight on the weekends and a little earlier in the week.

### **Staff's Presentation:**

Ms. Ramirez, Development Planner with the Village, provided a location map and said that the property is located northeast of the intersection of Warren Avenue and Washington Street and it is zoned downtown business. The petition is seeking approval for a Planned Unit Development. Ms. Ramirez provided a photo of the site looking north on Warren Avenue. In response to the public hearing notice, staff received a letter from a concerned citizen last minute. She apologized for not including the letter in the packet and mentioned that a copy of that letter was placed on the counter for their review. Ms. Ramirez noted that the existing site was a former vehicle repair and maintenance facility. She then provided an image of the proposed site plan that indicates building additions and outdoor seating concept. She also provided an elevation indicating the material types and architectural features proposed.

Staff stated that they found that the petition complies with the Planned Unit Development criteria and therefore recommends that the Plan Commission provide a positive recommendation to the Village Council to approve this Planned Unit

Development for a restaurant 844 Warren Avenue, subject to the recommended conditions for approval.

Ms. Rollins noted that there is no east west pedestrian crossing at this intersection unless you cross the tracks or walk up to the closest corner. She asked if there were any considerations to add a cross walk or something to help the pedestrian traffic.

Mr. Zawila offered to look at those crosswalk options as part of this approval process. He explained that there were likely limitations based on the proximity to the BNSF but if the petition moved forward staff could review some crosswalk options during the permitting phase. Ms. Ramirez thanked Ms. Rollins for the comment and offered to consider this comment with the Public Works department.

Ch. Rickards asked if there were any other questions for staff.

Ms. Gassen noted that the petition was asking for a lot of relief which she understood was the main reason why the request was for a PUD. She then requested that the deviations be addressed. In response to Ms. Gassen's inquiry, Ms. Ramirez explained the deviations that were being requested. She stated in looking at the seating plan the Plan Commission will notice that there are several features that are not typically permitted in the street yard these include fire pits, anchored lawn furniture, and the trash enclosures. Ms. Ramirez also noted that the proposal did not meet the build-to zone requirements. Next, she explained the minimum building height was not being met and the reason for this was the NFR letter that restricted the construction of residential dwelling units on this property. Ms. Gassen noted that while residential development was prohibited other types of development could be added to a second floor. Ms. Ramirez confirmed that the development for limited industrial and commercial would be permitted on a second floor.

Mr. Maurer stated that one of the ironies of the proposal is that what is being proposed, with all of the requested reliefs, could be seen as a relief to the neighbor. He explained that while the code requires building to the street, the proposal wants less building and more open space. At another point the code requires a minimum height of 32 feet and the proposal includes a shorter building. So, it is rare that someone is in front of the commission requested to build and host less. This in turn could give comfort to the community there.

Ms. Gassen noted that the zoning district on this lot recently changed to Downtown Business and that this change was for a reason. The goal for this area was to continue the streetwall. She clarified that she was not against the project but there is a lot of relief that is being asked for. Ms. Gassen noted that the adjacent parcels are also zoned downtown business and in reality, you could have a six-story building at this location.

Ch. Rickard stated that while there are residential properties surrounding this property, they are zoned downtown transition. That said, people should expect uses typical to a downtown to be able to locate in this area. He then referenced Mr. Maurer's earlier point and stated that the fact that this building is smaller and shorter does generate additional thoughts. For instance, a restaurant use would have more rooftop equipment, exhaust,

steam, and smells from food. But residential uses directly adjacent will be affected by this. Ch. Rickard suggest that with so much relief being asked for additional screening should be looked at this level because of the relief for the short building. Mr. Zawila, noted that screening for the rooftop equipment will be provided. Mr. Maurer agreed that the elevations indicate a proposed parapet.

Ch. Rickard stated that parking is related to the nature of the zoning district. He shared that as a resident who lives north of the tracks when he frequents business in the downtown, he is always on foot to avoid parking and traffic. He also recognized that more people are walking and taking advantage of ride share and cycling. Ch. Rickard also realized that while parking is being removed, he is unsure if that can be held against the petitioner. Instead, he notes that if the business is good, he believed people would not mind walking a block or two even if they do choose to drive. Lastly, he said he was surprised with the amount of relief that was being asked for. Yet, he understood that the request was tied to being able to reuse the existing building. While most people are trying to maximize their footprint and height this proposal is trying to keep that to a minimum.

Ms. Gassen stated that this could mean the neighbors feel a lot better since it could be a lot worse. With regards to the property to the east, she stated that that it is unlikely to become a six-story building and if it did, she would not find it problematic.

Ms. Majauskas stated that this was an issue over the devil you know and the devil you do not know. She said that something was going to be built here and a resident of she weighs how bad it could be. If a six-story residential building comes in it may require 500 parking spaces. Based on what she has heard from staff it sounds like adding a parking requirement is not something the Village can control. While she is concerned with parking it is not within their purview to make the property a parking lot. Instead, the proposal is for a business that attracts families. The proposal could be a bar or office complex it could be much worse than what is being proposed. So, knowing the devil she suggested going with the devil they do know. Ms. Gassen kindly added that Ms. Majauskas is not saying the petitioner is the devil. Ms. Majauskas confirms that is correct and it is only a saying.

Mr. Dmytryszyn asked if the proposal met the bulk regulations and a PUD would not be required then the proposal would not have to appear before plan commission.

Mr. Zawila confirmed this was correct the proposal would follow the building permit requirements. Mr. Dmytryszyn appreciated the explanation and noted that the parking issue would be present even in that scenario. He also suggested that staff should consider more days for the parking data.

Ms. Gassen noted that while the overall parking discussion for the downtown is not appropriate for this meeting, she knows there have been talks of considering a future parking lot on the north side of the tracks, so in general the parking is an issue regardless of this project.



Mr. Patel expressed support for the design and while he would drive to the establishment, he recognizes that several people would be able to walk there.

Ms. Johnson echoed previous comments stating that she would not be in favor of a 70-foot building at this intersection because it would not fit in. Instead the proposal would allow for a nice transition to the residential areas.

Mr. Maurer noted that he considered three different options for this property. One being the development of multi-family high density which would not fall in line with the requirements of the IEPA. The second issue was parking, but the code does not require parking because it is not part of the relief that the petition is looking for. The final issue is related to noise. He noted that there was no shortage of al fresco dining in the Village. The existing dining are all adjacent to residential uses. He then asked staff if there were any complaints related to al fresco dining.

Mr. Zawila stated that staff has not prepared that information at this point.

Mr. Maurer asked about the process for recourse. Mr. Zawila stated that resident can call the police and during business hours they can also contact the Community Development department.

Ms. Gassen asked if the petitioner could have outdoor live music or if they would need a special permit. Mr. Zawila explained that the outdoor patio permit is being request year-round as one the relief points. However, they are still subject to the other requirement in the ordinance for outdoor cafes. Amplified noise is not permitted and noise from a live band cannot go past 10 P.M.

There being no further discussion, Ch. Rickard closed the opportunity for further public comment.

**Commission Deliberation:**

Ch. Rickard asked if the Commissioners had any comments regarding this proposal.

Ms. Gassen thanked the petitioners for continuing to invest in the community and wished the petitioners success.

Ms. Johnson agreed with Ms. Gassen and noted that this is an area that is underserved.

**Ms. Gassen stated that based on the petitioner's submittal, the staff report, and the testimony presented, she finds that the petitioner has met the standards of approval for a Planned Unit Development and accompanying rezoning as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, moved that the Plan Commission recommend to the Village Council approval of 19-PLC-0030, subject to the following conditions:**

- 1. The Planned Unit Development and Rezoning shall substantially conform to the staff report; architectural and landscape drawings prepared by Oakley Home Builders dated September 6, 2019, and last revised on**

**October 10, 2019 and engineering drawings prepared by Gabriel Group, Inc. September 6, 2019 and last revised on September 30, 2019, except as such plans may be modified to conform to the Village codes and ordinances.**

- 2. The building shall be equipped with an automatic suppression system and an automatic and manual fire alarm system.**
- 3. Outdoor seating is permitted year round as shown in the attached drawings.**

**Motion seconded by Commissioner Rollins**

**AYES: Dmytryszyn, Gassen, Johnson, Majauskas, Maurer, Patel, Rollins, Ch. Rickard**

**NAYS: None**

**The Motion passed unanimously**

**19-PLC-0029: A petition seeking approval of text amendments to articles 5, 6, 7, 10, 11, 12, 14 and 15 of Chapter 28 (Zoning Ordinance) of the Municipal Code of the Village of Downers Grove. Village of Downers Grove, Petitioner.**

**Staff's Presentation:**

Jason Zawila, Planning Manager with the Village, state that the Village is requesting review of multiple text amendments to the Zoning Ordinance. The proposed text amendments fall into two categories. The first being text amendments related to Adult Use Cannabis Business Establishments.

Mr. Zawila stated that the State of Illinois recently passed the Cannabis Regulation and Tax Act which has legalized the use of recreational marijuana beginning January 1, 2020. Between August and October 2019, the Village Council considered regulations and taxes on cannabis-based businesses across multiple meetings. At their October 8<sup>th</sup> meeting, the Village Council approved amendments to Chapter 8 (Business and Activity Licenses and Regulations) of the Downers Grove Municipal Code, effectively prohibiting adult use cannabis business establishments. This does not change the requirements for Medical Use Cannabis Business Establishments. The proposed amendments are intended to ensure consistency amongst the Zoning Ordinance and Business and Activity Licenses and Regulations Ordinance.

Mr. Zawila then referenced the screen and the allowable use table that demonstrates all Adult Use Cannabis Business Establishments will be prohibited. He also referred to the proposed definitions that references the definitions that were approved with the amendments to Chapter 8 of the Municipal Code.

Mr. Zawila stated that the second category of amendments updates and clarifies various sections of the Zoning Ordinance. The first set of amendments in this category is related to building mounted equipment. Earlier this year a resident approached the Village to install a building-mounted solar energy system on the street facing roof of their single-family home. It was identified that the home encroached into the street yard setback and a large portion of system could not be installed, as it would be placed into the required street yard, since the home was already within the required setback. The

proposed amendments would allow other residents in similar situations to take advantage of this technology.

Mr. Zawila then stated that telecommunications equipment mounted to existing buildings is currently permitted in all zoning districts. While the equipment is located on building rooftops, there is no mention of screening requirements. This proposal would require that telecommunication equipment located on the roof meet the screening requirements that are currently applicable to all rooftop mechanical equipment.

Mr. Zawila then provided an overview the next set of amendments related to parking. Bicycle parking is currently permitted so long as it is located within a certain distances of building entrances and is highly visible. Newer proposals have included a covered parking structures for bikes and while this appears to be an accessory structure there is no mention of required setbacks. This proposal would allow bicycle parking in all yards and will require that parking be set back distances consistent with other accessory structures allowed in the Village. He then provided an overview of the amendments to the parking requirements of two use categories that currently base requirements off of number of employees – car washes and trade schools. The proposed amendments will now be based on the number of wash bays, and will provide consistency with the requirement of basing parking off of service bays for vehicle uses. The other use that bases parking requirements off of number of employees is trade schools. This proposal would base the parking count off of maximum capacity per building code, and would provide consistency with similar institutional uses.

Mr. Zawila then stated that in 2018, the Illinois Accessibility Code (IAC) was updated for the first time in 20 years, which made certain sections of the Zoning Ordinance non-compliant. The proposed amendments correct this issue and proactively make references to the IAC in case future changes are made.

Mr. Zawila then provided an overview of amendments related to fence placement. It was stated that no new regulations are being created, but regulations were updated to provide consistency between the wording and diagrams provided in the Zoning Ordinance related to the placement of fences.

Mr. Zawila then provided an overview of amendments related to allowable encroachments. Currently, a table is provided in the Zoning Ordinance that specifies allowable encroachments into required setbacks. In this table there is a separate row for swimming pools, and a separate row for various types of accessory equipment, which can lead readers to thinking that the setback intended for the equipment actually applies to the pool. The amendments clarified this confusion. Related to encroachments, staff is also recommending amendments to front porch encroachments. Front porches are currently allowed to encroach a maximum of five feet into a required street yard and when 250 feet or less, the square footage does not count towards overall building coverage. In cases of homes located on a corner street yard, multiple frontages are available, but the resident is only allowed to encroach into one street yard. There has been feedback from the design community that this restriction may stifle design and a sense of community that this design feature can encourage in residential neighborhoods. The proposed amendment would allow that a front porch can

encroach into both available street yards. So that there is a balance between aesthetics and scale, the bonus provision of 250 square feet is proposed to remain.

Mr. Zawila then provided an overview of the next set of amendments related to preliminary meetings with staff regarding zoning cases. Currently Planned Unit Development (PUD) requests are the only type of application that requires a pre-application meeting through the Zoning Ordinance, although it is Village practice to require with all zoning approval applications. The preliminary meeting is scheduled with Community Development to discuss the proposed project and to outline the Plan Commission process. At this meeting the petitioner also receives preliminary feedback of the proposal based on the planning documents and policies of the Village of Downers Grove.

Mr. Zawila then provided an overview of the last set of amendments. The current ordinance has very specific parameters on amendments to approved PUDs and how the request must be processed, which in most cases requires submittal of a development application and moving through the Plan Commission and Village Council review process. The ordinance currently allows staff approval of minor changes to a PUD, that are not considered substantial changes to the purpose and intent of the approved PUD, while reducing processing time and cost and time to the external customers. These changes include such items as parking space reductions and building coverage or building height, however there is no provisions to allow reduction of open space. Minor reductions in open spaces are often requested with reconfiguration of parking lots or through the introduction of pedestrian amenities such as sidewalks, but staff does not have the ability to approve without submittal of a development application, which may prevent property owners from making improvements that are considered minor in nature and typically do not change the intent of the approved PUD.

No members of the public provided testimony and Ch. Rickard offered an opportunity for the petitioner to provide closing comments.

Mr. Zawila recommended approval of the proposed text amendments and referenced the standards for text amendments to the Zoning Ordinance and recommended approval as stated on page 4 of the staff report.

There being no further discussion, Ch. Rickard closed the opportunity for further public comment.

### **Commission Deliberation:**

Ch. Rickard asked if the Commissioners had any comments regarding this proposal.

Mr. Maurer stated that he found it odd that DuPage County might be the States leader in addressing opioid use, but we sure get uptight with the green stuff. He felt that our zoning looks more favorable on methadone clinics than the clinic that gives his dog a rabies vaccine, but he would support these amendments.

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Ms. Rollins state that she had frustration with the Village Council and the process should have allowed this issue to go to the Plan Commission to give the public an opportunity to speak, but they chose not to; with certain Council members suggesting that this should have been discussed at Plan Commission, but she will still recommend approval because the decision was made.

**Ms. Gassen stated that based on the petitioner's submittal, the staff report, and the testimony presented, she finds that the petitioner has met the standards of approval for a Zoning Text Amendment as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, moved that the Plan Commission recommend to the Village Council approval of 19-PLC-0029 regarding the proposed amendments Articles 5, 6, 7, 10, 11, 12, 14 and 15 of the Zoning Ordinance.**

**Motion seconded by Commissioner Maurer**

**AYES: Dmytryszyn, Gassen, Johnson, Majauskas, Maurer, Patel, Rollins, Ch. Rickard**

**NAYS: None**

**The Motion passed unanimously**

Mr. Zawila provided updates on previous Plan Commission cases and noted there were two petitions for next month's meeting.

There being no further discussion, Ch. Rickard called for a Motion to adjourn.

**Ms. Gassen moved to adjourn the meeting, seconded by Ms. Johnson.  
The Motion carried unanimously by voice vote.**

**Ch. Rickard adjourned the meeting at 9:02 PM.**

Respectfully submitted,

Community Development Staff  
(Transcribed from mp3 recording)