

APPROVED MINUTES

**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING**

**MINUTES FOR NOVEMBER 6, 2017**

Chairman Rickard called the November 6, 2017 meeting of the Plan Commission to order at 7:03 p.m. and led in reciting the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Rickard, Mr. Boyle, Ms. Gassen, Mr. Kulovany, Mr. Maurer,

**ABSENT:** Ms. Johnson, Mr. Quirk, Ms. Rollins, Ex. Officio members Miller, Livorsi & Menninga

**STAFF:** Village Sr. Planner Rebecca Leitschuh  
Village Planner, Swati Pandey  
Village Planner, Scott Williams

**VISITORS:** Jim Wilkinson, 1125 Black Oak; Janice Sommer, 4824 Florence; William and Julie Tyree, 4409 Downers Dr.; Victor Hernandez, William Shelby and Jim Sideris, Interstate Construction, 150 S. Wacker Drive, Ste. 2400, Chicago; Mark Thoman, Downers Grove Township, 4340 Prince.

**APPROVAL OF MINUTES: October 2, 2017 meeting**

**Ms. Gassen moved, seconded by Mr. Boyle to approve the minutes for the October 2, 2017 meeting as presented.**

**The Motion to approve the minutes as presented passed unanimously by voice vote.**

Chairman Rickard reviewed the procedures to be followed for the meeting, explaining that the Plan Commission is a recommending body for the petitions on the Agenda. Once the Public Hearing portion of the meeting is closed, the Plan Commission members will deliberate to recommend approval, recommend approval with conditions or recommend denial of the petition. That recommendation will be forwarded to the Village Council together with all supporting documentation on the petitions. The Village Council will make final decisions at a future date. He reviewed the subject matter of the three petitions on the Agenda, and then asked all individuals intending to speak during the public hearings to rise and be sworn in.

Ch. Rickard noted that File 17-PLC-0014 is continued from the October 2, 2017 meeting.

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Ch. Rickard then asked if there were any objections to moving the Township item first, since they anticipate it being a quick hearing. There were no objections from the Commissioners or Staff.

### **PUBLIC HEARING**

**FILE 17-PLC-0030: A petition seeking approval of a Zoning Map Amendment to rezone the property to INP-1, Neighborhood-Scale Institutional and Public. The property is zoned R-6 Residential Apartment/Condo 6 and B-2, General Retail Business. The property is located on the north side of Sherman Street, between Saratoga Avenue and Prince Street, commonly known as 4340 Prince Street, Downers Grove, IL (PINs 09-05-302-003, -004, -005, 006, and -010). Mark Thoman on behalf of Township of Downers Grove, Petitioner and Owner.**

Ms. Swati Pandey, Planner for the Village, stated the owner of the property is the Downers Grove Township, and the property is located north of Sherman Street, and northwest of Downers North High School. The property consists of multiple parcels. The parcels to the east are zoned commercial and are improved with a one-story office building and a surface parking lot. The parcels to the west are vacant and zoned multi-family. The owner's intention is to bring all of these lots into a single zoning designation and to rezone the property to INP-1, which is intended for small, public, civic and institutional scale developments that are near residential neighborhoods. The Village's Future Land Use Plan identifies the lot to the east as INP-1, with the lots to the west as commercial. The land is held under common ownership and the Staff believes the Township has no intention of developing this for other than institutional use. It makes sense to have this property aligned with the Comprehensive Plan as well as the Zoning Ordinance.

Staff believes that the application meets the requirements established by the Village's Zoning Ordinance and Comprehensive Plan, as stated in Staff's report dated November 6, 2017. Staff recommends that the Plan Commission make a positive recommendation regarding the Zoning Map amendment for this property.

Mr. Mark Thoman said he was on the original Comprehensive Plan update and was a member of the Plan Commission and is familiar with the INP-1 and INP-2 designations. He thanked Community Development for their cooperation in getting this proposal before the Plan Commission and the Village Council.

Ch. Rickard called for public comments, and there were none. He closed the public portion of the meeting. There were no comments from members of the Plan Commission.

**Mr. Kulovany moved with regard to File 17-PLC-0030 that the Plan Commission forward a positive recommendation to the Village Council to approve this request.**

**Mr. Maurer seconded the Motion.**

**AYES: Mr. Kulovany, Mr. Maurer, Ms. Gassen, Ch. Rickard**

**NAYS: None**

**The Motion passed unanimously.**



**FILE 17-PLC 0014 – (Continued from October 2, 2017): A petition seeking approval of a Special Use and Setback Variation to allow a drive-through restaurant facility, a Special Use for a gas station, a Final Plat of Subdivision, and an alley vacation. The property is zoned B-3, General Services and Highway Business. The property is located at the southeast corner at the intersection of Ogden Avenue and Belmont Road, commonly known as 2125 Ogden Avenue, Downers Grove, IL (PIN 08-01-405-042). C.M. Lavoie & Associates, Petitioner and Powermart Real Estate Downers Grove #3, LLC, Owner.**

Ms. Swati Pandey, Planner for the Village said the applicant proposes resubdividing the property into two new lots to construct a gas station/convenience store on one lot, and a restaurant/drive-thru on the other lot. The drive-thru facility is on the east side of the building. The property, located at the southeast corner of Ogden and Belmont, was formerly a gas station/car wash facility. The buildings on the property are currently vacant. The curb cuts on Ogden Avenue and Belmont Road have been reconfigured. Ms. Pandey showed a plat of survey for the property. A gas station and drive-through are both special uses, while the convenience store and restaurant are both permitted uses for the site. The zoning variation requested is associated with the setback for the drive-through lane for the restaurant, as well as a final plat of subdivision to subdivide the property into two lots, with the intention of keeping both of the uses on separate lots. There is an exception requested to allow a reduced width for Lot 1. The final request is for an alley vacation for a 20' alley unimproved to the rear of the property.

Ms. Pandey showed slides depicting current conditions of the property. The applicant is requesting that the 270' long unimproved alleyway which is 20' in width be vacated. The majority of the alley will remain unimproved with the exception of a 5' strip which will encroach the north side of the alley in order to accommodate the full width of the drive-through lane.

The applicant has proposed the configuration of the two lots as shown on the Plat of Subdivision Site Plan as submitted by the applicant. The intent is to keep the gas station canopy and the convenience store on their own lot to the west as it involves a number of underground and aboveground facilities for the use. This configuration does not allow Lot 1 to meet the required 100' width at the property line, and the applicant is seeking an exception for that width. A blanket egress/ingress access easement will be provided for the entire site primarily for the purposes of parking and traffic circulation.

Ms. Pandey showed the proposed site plan with curb cuts along Belmont and Ogden which have been reconfigured to one curb-cut for each side. The drive-through is behind the building following west to east going north along the side of the building. She showed the 5' encroachment into the alleyway. Parking has been evaluated for the entire site for each use to allow cross access for the entire parking area. The trash enclosure has been provided at the southeast corner of the property and meets the minimum zoning and locational requirements. The Site Plan provides for pedestrian access both along Ogden Avenue and Belmont Road. There is a condition of approval

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added to the Staff Report to improve the configuration for the pedestrian access to Ogden Avenue.

The Landscape Plan for the property has been evaluated for the minimum overall site open space requirements as well as perimeter landscaping which includes street yard landscaping along Ogden and Belmont Road. The photometric plan meets the minimum foot-candle levels, in particular the southern property line, which abuts a residential area that will be at zero. She then showed the elevation drawings for all of the buildings proposed, describing the materials to be used in the construction of the buildings. She noted that with the restaurant facility, the tenant will have to come back to the Village to request outdoor seating for their facility.

The property has been identified as a catalyst site along Ogden Avenue in the Comprehensive Plan and meets a number of goals set by the Comprehensive Plan including: 1) removing two curb cuts and access onto both Ogden Avenue and Belmont Road; 2) improving site connectivity by installing pedestrian access from Ogden Avenue and Belmont Road to the two buildings and maintaining vehicular cross-access through an easement; 3) consolidating multiple lots into two lots and increasing depth for a functional site plan; and 4) providing enhanced landscaping and screening in order to provide a buffer to the residential areas to the south and a more attractive image at a community gateway intersection.

Both Lots 1 and 2 meet the Zoning Ordinance requirements including the overall site development, with the exception of the drive-thru setback on the east and the south sides. The east side is a commercial property with a requirement of 25', while the south side abuts a residential property where the requirement is greater at 50'. Staff supports the requested setback variation since there are limited choices for the location of the drive-thru. It also helps separate the pedestrian and vehicular activities.

The Plat of Subdivision is in compliance for the most part with the Subdivision Ordinance requirements with exception of the width for Lot 1, which is at 66.73 feet as opposed to the 100' required. Staff supports the requested exception for the reduced lot width considering the improvements that will be made by this configuration, in addition to the requirement that the gas station appurtenances and paraphernalia be required on a separate lot. The Plat of Subdivision approval criteria for the exception from Sec. 20.301 has been met and will not negatively impact the value or reasonable use of the surrounding property. This property has been vacant for a long time and the improvements will enhance the value of the surrounding property. The trend of development in the area for surrounding uses show differing lot widths in the immediate area. Staff feels that the approval criteria for the Plat of Subdivision exceptions have been met.

The Special Use Criteria for Sec. 12.050.H has also been met since both uses are authorized in the Zoning Ordinance.

Zoning variation requirements for the drive-thru setback are met since the site has been vacant and is currently not yielding any return on the property. Allowing the development to move forward would yield a reasonable return. The variation will not

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alter the character of the community or neighborhood considering that the Board has previously reviewed a number of similarly situated drive-thru facilities with reduced setbacks along this corridor. The hardship is the land-locked situation of this particular site. Staff believes the criteria for Sec. 12.090.G for granting a zoning variation have been met. The alley vacation Res. #2003-58, Item 1 has not been met. While recognizing that Staff is in support of the plan, Staff has also been informed of the multiple contacts that applicant has made with the abutting property owners and has been unsuccessful in retrieving a response. Staff has also been informed that a provision in the Resolution allows the State law to take precedence under such conditions. As for other items under the Resolution, the public interest is served by providing the blanket easement. Staff has made contact with the outside agencies and the standard response has been to request a blanket easement, which has been agreed to by the applicant. The easement will be maintained. An appraisal has been provided by the applicant as to the type of compensation to be provided for the property vacation, and that will be reviewed at the discretion of the Village Council.

Ms. Pandey said that the proposed Special Uses, Variation, and Plat of Subdivision with an exception for the development at 2125 Ogden Avenue are consistent with the Comprehensive Plan, the Zoning Ordinance and surrounding zoning and land use classifications. Staff recommends approval of the requested Special Uses, Variation, Plat of Subdivision with an exception, and Alley Vacation as requested in case 17-PLC-0014, recognizing that the proposal does not meet the vacation policy, subject to the seven conditions stated on page 11 of Staff's report dated November 6, 2017.

Ch. Rickard asked, since these are going to remain two individual lots rather than a PUD or one lot, if they fall under separate ownership at any time, the trash is still being collected on one lot. Because it is a tight configuration, it would be difficult to provide a separate trash enclosure on the western lot. He is unclear if access to the trash is going to be part of the blanket easement, or whether there should be a statement to the effect that the property on the west would use the trash enclosure on the east lot.

Ms. Pandey said she was unsure whether that was spelled out in the language for the easement.

Sr. Planner Rebecca Leitschuh replied that there is equal access to everyone on the property; however a condition could be included so that the trash enclosure will forever apply to both properties.

Ch. Rickard then inquired about the sign-off requirements for the alley vacation. He said he thought the sign-off requirement is the Village's responsibility. As long as reasonable attempts have been made by the applicant with no reply from surrounding properties, he said he thinks it is a Village requirement.

Ms. Leitschuh read the policy statement:

"The validity of any vacation otherwise carried out in accordance with applicable law shall not be invalidated, impaired or otherwise affected by noncompliance with any part of the procedure set forth herein."

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The vacation policy is a “procedure” and not an Ordinance. To guarantee the applicant due process they have to carry forth an application, and Council will have to look at this to determine which procedures to follow.

Mr. Boyle asked if any attempt was made to speak with the abutting neighbors regarding the setback variance. Ms. Pandey replied that the special use application and the associated requests do not require a neighborhood meeting. To her knowledge the applicant sent some plans and letters associated with the variance out to neighbors within a certain radius. The responses would have gone back to the applicant. She said she received one letter from a neighbor who had questions about the plans, which the neighbor said were not legible. Neither that neighbor, nor any others, have contacted Staff directly. Mr. Boyle then suggested that there be some type of operating agreement for ingress/egress. Ms. Pandey replied that for the most part the parking spaces are separated and in the Zoning Ordinance compliance sections, there is a section calling for overall site development compliance. Those elements have been reviewed for overall compliance. That did start with the drive-thru access and the entire parking lot. Mr. Boyle then asked about the reduction of curb cuts and whether that minimizes the traffic flow and whether a traffic study was performed. Ms. Pandey said when the application was received it went through the Traffic Manager’s review, and he did not see a potential problem.

Mr. Kulovany asked how long the site has been vacant, and Ms. Pandey said she thought it might be 3-5 years. Ms. Pandey said there were no inquiries for this property to her knowledge.

Mr. Kulovany then inquired about the vacation and whether it will be brought up to grade. Ms. Pandey said it will remain unimproved with only the 5’ being improved. She added further that the easement does not allow the property owner to the south to use it in the future.

Mr. Chris Lavoie of C.M. Lavoie & Associates, said that this site had many different criteria. He said he is representing Powermart Corporation. The site belonged to Exxon/Mobile many years before. Mr. Lavoie said they wanted to take the site to a different level and turn it into a corporate image type of site, while meeting all of the requirements. He noted that they came into the project when the design work had already been done; however, they identified several issues that were of concern so they went after an all-new design to address traffic issues, eliminate access points, etc. He was excited to take another catalyst site in Downers Grove and make it look good and meet all the requirements. He said he had many agencies to deal with, as well as the Comprehensive Plan, and thanked Staff for all of their input in bringing this project to fruition. The vacation of the easement required contact with individual property owners and certified mail was sent to every one of the owners with a follow-up letter to the property owner to the south. He researched the owner who refused to sign-off on the vacation. Mr. Lavoie delayed coming to the Plan Commission hoping to obtain that last signature to no avail.

Mr. Lavoie said he believes he is presenting a great project to the Village, with a unique design. He explained the materials used, landscaping, and overall aesthetics of the

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construction. The only cross-over is the trash enclosure on the one lot with two trash enclosures to accommodate each lot.

Ms. Gassen asked if there is a tenant for the restaurant, and Mr. Lavoie said that the tenant they are looking at has been in business for a long time. Ms. Gassen then asked whether he attempted to get in touch with the condo owners, and Mr. Lavoie said that they have a signature from the Condo Association, as well as a signature of one of the condo owners. He noted they have a signature from the neighboring property. Ms. Leitschuh said that there is a signature from a member of the Condo Association, however, that signature represents a single owner. Mr. Lavoie said that there are four units that are vacant.

Ms. Gassen said there appear to be challenges associated with the fact that this is two lots. She asked why this was not made into one lot. Mr. Lavoie said one lot offers challenges as well, such as if there was a restaurant tenant who wanted to purchase the site, it would offer another option for the future.

Mr. Boyle asked if there is underground storage, and Mr. Lavoie said they have a concrete walled vault for stormwater detention. They are also utilizing the old storage tanks from the previous gas station. There was a grant issued by the State of Illinois for the underground tanks that are there. There will be a small retaining wall in the back of the south lot.

Ch. Rickard called upon the public for comments. There were none, and Ch. Rickard closed the public portion of the meeting.

Mr. Kulovany said he was most concerned about neighboring consent, but it appears that all efforts were made to contact the neighboring owners. It is a catalyst site for a reason and is a gateway to the Village. He would vote in favor of the recommendation.

Mr. Boyle asked about the \$5,000 appraisal fee for the alley, and whether it is something that other owners can also apply for later. Ms. Leitschuh replied that the appraised value was for the entire portion they have requested. The way it is being petitioned, it gives full right to the applicant.

Mr. Kulovany asked if the Plan Commission has the right to force an easement to an adjacent property owner and it was determined that the Commission could not do so.

Ms. Gassen clarified that if they cannot get the signatures required for the procedure, State law allows for them to proceed anyway.

**Mr. Kulovany moved that in Case 17-PLC-0014 Special Use, Variation and Final Plat of Subdivision and Alley vacation that the Plan Commission make a positive recommendation to the Village Council including conditions 1-7 as shown in Staff's Recommendation in its report dated November 6, 2017 on page 11. Ms. Gassen seconded the Motion.**

**AYES: Mr. Kulovany, Ms. Gassen, Mr. Boyle, Mr. Maurer, Ch. Rickard**

**NAYS: None**

**The Motion passed unanimously 5:0.**



**FILE 17-PLC-0027: A petition seeking approval of a Final Plat of Subdivision to subdivide the existing property into three lots and two outlots. The property is zoned O-R-M, Office-Research-Manufacturing. The property is located at the intersection of Lacey Road and Finley Road, commonly known as 3600-3800 Lacey Road, Downers Grove, IL (PIN 06-31-300-009). Mark Houser on behalf of Bridge Industrial Acquisition, LLC, Petitioner and CV Land Holding, LLC, ONER.**

Mr. Scott Williams, Village Planner, stated that the subject site is located at the intersection of Lacey and Finley Roads, is vacant and unimproved. Some of the property is farmland with dense vegetation to the south where the wetlands are located. He noted that Lacey Road is a village road while Finley Road is a county road.

He reviewed the surrounding zoning and land uses for the area. The applicant is proposing three Class A industrial office buildings. They intend to subdivide an existing lot into three new buildable lots and two outlots. He reviewed where passenger vehicle parking will be located as opposed to semi-trailer trucks. Using site plans he showed where the access points would be located, as well as the roadway alignment exhibit. The goal was to show proper taper distances for left-hand turn lanes, and reflecting the incorporation of the small portion of land owned by the Forest Preserve to increase the roadway width.

The applicant submitted a conceptual landscape plan. It reflects a 35' setback and associated buffer along Lacey and Finley Roads, as well as detention basins that will be very natural looking.

With regard to the Village's Comprehensive Plan, the Plan states that large-scale buildings and office parks play an important role in the local economy, and the Village should continue to support office development along the tollway corridors. The Plan also states that negative impacts on residential areas should be mitigated; however, there are no adjacent residential uses nearby. The Future Land Use Map identifies the property up and down Lacey Road as Office/Corporate Campus. There are no exceptions being proposed, and Staff recommends approval subject to the conditions listed on pages 4 and 5 of Staff's report dated November 6, 2017.

Mr. Boyle asked how many other 55-acre sites are still undeveloped in Downers Grove and Mr. Williams said that there were not many. This was the only one he knew of. As to the outlots on the south side, Mr. Williams said they would have to remain as is.

Ms. Leitschuh said that the wetland area has to meet State and Federal laws, and those wetland areas are pretty much set in stone.

Mr. Kulovany asked about the detention area and whether the overflow would go into the wetland area or the Downers Grove stormwater system. Mr. Williams said he thinks

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they are controlling the discharge rates into the wetland areas but would have the petitioner respond to that.

Mr. Steve Groetsema, partner of Bridge Development Partners, said they are the petitioner on this request and are the contract purchaser of the site. He gave a background of Bridge Development Partners and what they anticipate doing on the subject site. They have been in business since 2000 and are headquartered in Itasca, IL. They have several other sites throughout the United States. They have received awards from various sources including Crain's Chicago Business, and have developed over 20 million square feet, the majority of which is in Chicago. He reviewed other projects in the Chicagoland area over the last twelve months. They are the most active developer in the country from an industrial perspective. Chicago is the second largest industrial market in the country. Bridge primarily focuses in five major submarkets in the Chicago general area. Their buildings tend to appeal to a wide array of corporate users. He showed slides of four projects, which relate to the subject site including Woodridge, and the Amazon site in Waukegan.

The subject project is being referred to as Bridgepointe Downers Grove. There are very few sites of this nature available that meet at two major highway intersections. They see it as a corporate headquarters type of consolidation. Occupancy costs will exclude distribution-type uses. Users for this site will have a significant labor need and will want to be centrally located. Those needs cannot be met in a more green-field location. Downers Grove is a wonderful location from an industrial perspective as well as light-assembly manufacturing perspective.

In response to Mr. Boyle, Mr. Groetsema said they will be designing buildings that cater to users as small as 20,000 square feet and up to 80,000 square feet. When they design a building, it is a basic speculative build with a warm dark shell, four walls, roof and heaters inside without any office build out or lighting. They build to suit. He gave an O'Hare development as an example for how they determine what parking requirements would be. The industry standard for this type of building is one car per 1,000 square feet for each of the three buildings. They try not to mix cars and trucks. They will show truck-turning radii mostly for emergency vehicles. Based on the parking they are showing, they anticipate an average tenant about 65,000 square feet with about 7500 square feet of office. He thinks the office percentage of the subject site will be higher. They are already talking with two tenants interested in this development.

Ch. Rickard clarified that the request is to create the lots, and Ms. Leitschuh said all the supplemental information is to help the Commission make an informed decision. It is only for the division of the land.

Mr. Kulovany asked if the detention area would exit into the wetlands or the Village's stormwater system.

Mr. Brett Duffy of Spaceco at 9575 W. Higgins Road in Rosemont said that the detention basin will drain south towards the wetland and floodplain at Lacey Creek. It will be an independent detention basin. The plantings will include native plantings to filter the water before it leaves the site.

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There being no further questions for the petitioner, Ch. Rickard called upon the public for comments.

1. Bill Findlay of 987 Crescent Blvd., Glen Ellyn, asked who he should ask questions of regarding the traffic study. He wanted to talk to someone offline about the assumptions, nomenclature, etc. Ms. Leitschuh said that he can place his questions on the record, or contact Will Lorton, the Village's Traffic Engineer. Mr. Finley said that on page 4 it states that notice was provided to owners within 250' of the subject property. Mr. Williams said it was sent to owners of record within that 250' and he has had replies from Morton Arboretum, as well as other locations. Mr. Finlay said his family has owned the nine acres bordering this property to the south. They have been owners since 1946 and have been stable, respectful and considerate owners for over 50 years. He has listed his site for sale hoping to attract a developer. When they have taken their prospects to the Downers Grove Economic Development Corporation they have been told that under no circumstances would any industrial component be acceptable. He was surprised to see this public notice brought to his attention of a project described as three industrial buildings endorsed by Downers Grove. The largest of the buildings will be closest to his property. In discussing this proposal with his team members, they think their property value will be harmed. With industrial coming in on his north border it will limit his potential. He wants to discuss with Downers Grove a way to apply a consistent requirement or standard for construction on Finley Road, and not two different standards.

Ch. Rickard said what is being proposed now is only creating a lot. He doesn't think that is a question at this time. Ms. Leitschuh said that the EDC is a separate entity from the Village. The property is an unincorporated parcel as it is not annexed into the Village at this time. She can't speak for the EDC. She said he was welcome to meet with Staff or the EDC.

There being no further comments, Ch. Rickard closed the public portion of the meeting.

**Ms. Gassen moved that in File 17-PLC-0027 the Plan Commission forward a positive recommendation to the Village Council to approve the Final Plat of Subdivision with the seven conditions specified by Staff on page 5 of its report dated November 6, 2017. Mr. Maurer seconded the Motion.**

**AYES: Ms. Gassen, Mr. Maurer, Mr. Boyle, Mr. Kulovany, Ch. Rickard**

**NAYS: None**

**The Motion passed unanimously 5:0.**



Ms. Leitschuh said that the State law they referenced earlier is Ch. 65, 5-11-91-1.

**Mr. Kulovany moved to adjourn the meeting, seconded by Mr. Boyle  
The Motion carried unanimously by voice vote.**

Chairman Rickard adjourned the meeting at 9:04 PM.

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Respectfully submitted,

Tonie Harrington,  
Recording Secretary  
(transcribed from recording)