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**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING**

March 7, 2022, 7:00 P.M.

Chairman Rickard called the Marth 7th meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Commissioners Rector, Dmytryszyn, Johnson, Patel, Boyle, Maurer, Toth

ABSENT: Commissioner Roche

STAFF: Planning Manager Jason Zawila, Senior Planner Flora Leon,

OTHERS

PRESENT: Steve Friedland, Anne Oliva, Mike Lane and Stacey Lane

APPROVAL OF MINUTES

Chairman Rickard entertained a motion to approve the minutes.

MINUTES OF THE JANUARY 31ST, 2022 AND FEBRUARY 7, 2022 PLAN COMMISSION MEETING WERE APPROVED ON MOTION BY COMMISSIONER DMYTRYSZYN, SECOND BY COMMISSIONER TOTH, MOTION PASSED BY VOICE VOTE OF 8-0.

PUBLIC HEARING

Chairman Rickard explained the protocol for the public hearing process and swore in those individuals that would be speaking during the public hearing.

FILE 22-PLC-0005: A PETITION SEEKING APPROVAL FOR A SPECIAL USE APPROVAL TO CONSTRUCT AN ACCESSORY STRUCTURE ON A LOT OF RECORD PRIOR TO THE CONSTRUCTION OF A PRINCIPAL STRUCTURE. THE PROPERTY IS CURRENTLY ZONED R-4, RESIDENTIAL DETACHED HOUSE 4, AND IS LOCATED AT 5240 LYMAN AVENUE (PIN 09-08-315-011). MICHAEL AND STACEY LANE, OWNER AND PETITIONER.

Petitioners, Stacey and Mike Lane, 5234 Lyman Avenue, introduced themselves. Mrs. Lane noted that they owned both 5234 and 5240 Lyman Avenue. She explained that they wanted to request a special use permit to build a sports court on the southwest side of the vacant lot at 5240 Lyman Avenue. Mrs. Lane shared that while they had a rear garage and driveway at their residence an existing shade tree next to their driveway eliminated this space as an option for a sports court. Mrs. Lane explained that Lyman Avenue was a busy street and their children and their friends would

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benefit from a safe place to play after school. She then noted that placing the sports court in the rear yard would complement the feel of the neighborhood and that it would be professionally landscaped to blend both lots together. Mrs. Lane also shared that they had lived in the Randall Park neighborhood since 2016 and keeping the existing feel of the area is important to them. Finally, she noted that they understood that prior to the sale of the properties the sport court would need to be removed.

Chairman Rickard noted for the record that the request was for a special use permit not a variance. Ms. Flora Leon, Senior Planner, confirmed that was correct.

Commissioner Patel asked if there were any plans to add lighting to the court for evening use. Mr. Lane said there were no plans for lighting.

Chairman Rickard invited public comment. No public comment was received. Staff was invited to speak.

Ms. Flora Leon, Senior Planner, showed the location of the site on a map and noted that the property was zoned R-4. The request was to establish an accessory structure on a lot without first establishing a principal building. She summarized the request before the commissioners and presented the existing conditions of the area. She then provided existing photos of the site noting that the public hearing noticing requirements. The proposed site plan was presented. Next, the special use requirements were provided and Ms. Leon indicated that these were met by the petitioner. Staff found that the petition met the goals of the Zoning Ordinance and recommended the commission formulate a motion to approve the petition based on the draft motion provided on page three of the staff report.

Commissioner Maurer asked if the sports court was considered an accessory structure if it is hardscape and not a building. Ms. Flora Leon confirmed that flatwork is included under accessory structures.

Commissioner Rector asked if the demolition of the sports court at sale requirement was consistent with other similar petitions. Ms. Flora Leon noted that in past petitions for the same request staff consistently included this demolition as a condition of approval in the staff reports.

Commissioner Patel asked if the sports court were placed on the lot where the residential home sits then this request would not come before the plan commission. Chairman Rickard confirmed that was correct. He then explained this request was for a lot that was a standalone lot and you typically have to have a principal structure on a lot before you have an accessory structure. So this special use would allow for the sports court because they own the adjacent parcel, which has a principal structure. Ms. Flora Leon confirmed that was correct.

Commissioners provided positive comments and support for the petition. Chairman Rickard entertained a motion.

WITH RESPECT TO FILE 22-PLC-0005 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, THE TESTIMONY PRESENTED, AND HAVING MET THE STANDARDS OF APPROVAL FOR A SPECIAL USE AS REQUIRED BY THE

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VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST, COMMISSIONER PATEL MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0005, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PROPOSED SPORT COURT SHALL SUBSTANTIALLY CONFORM TO THE PLANS AND SPECIFICATIONS ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE CHANGED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES.**
- 2. A RESTRICTION SHALL BE RECORDED AGAINST THE PROPERTIES WITH THE DUPAGE COUNTY RECORDER OF DEEDS THAT REQUIRES DEMOLITION OF THE SPORTS COURT PRIOR TO THE SALE OF THE PROPERTIES IF THEY ARE NOT TRANSFERRED SIMULTANEOUSLY TO A SINGLE ENTITY.**

SECOND BY COMMISSIONER RECTOR. ROLL CALL:

AYE: COMMISSIONERS RECTOR, DMYTRYSZYN, JOHNSON, PATEL, BOYLE, MAURER, TOTH, CHAIRMAN RICKARD

NAY: NONE

MOTION PASSED. VOTE: 8-0

FILE 22-PLC-0006: A PETITION SEEKING APPROVAL FOR A FINAL PLAT OF SUBDIVISION TO SUBDIVIDE THE EXISTING PROPERTY INTO TWO LOTS. THE PROPERTY IS CURRENTLY ZONED DT, DOWNTOWN TRANSITION AND IS LOCATED AT 1122 GILBERT AVENUE (09-08-126-002). IMMANUEL RESIDENCES, INC., OWNER AND PETITIONER

Petitioner, Steve Friedland, introduced himself as an attorney with Applegate & Thorne-Thomsen, representing Immanuel Residences. Mr. Friedland also noted that Anne Oliva who represents Embrace Living Communities, owners of Immanuel Residences, was also present. He then explained that the request was more of a cleanup from their perspective. Immanuel Residences owns the property with the entire parcel conveyed to them by the Village of Downers Grove in 1980. When the Village conveyed the property, the principal building was constructed and then Immanuel Residences leased the parking lot back to the Village through 2078. As such, the Village controls the parking and access drive. Due to a refinancing of the building, the lenders were confused because even though Immanuel Residences owns the entire parcel, they only control the area where the building stands. Mr. Friedland went on to explain that because the property was not subdivided in 1980 it is just one large parcel. The purpose is to create two lots. With Lot 1 dedicated for the Immanuel Residences and Lot 2 used for the Village parking lot and the accessory drive. Mr. Friedland noted that nothing would change. Instead, this change helps convince their lenders the mortgage is really only needed for Lot 1. Mr. Friedland stated that the intention was to make things simpler from a property standpoint. Mr. Friedland concluded by stating that they believed they met all of the subdivision standards in terms of dimensions and easements.

Chairman Rickard invited public comment. No public comment was received. Staff was invited to speak.

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Ms. Flora Leon, Senior Planner, introduced this project as a final plat of subdivision. She showed the location of the site on a map and noted that the property was zoned D-T. The request was to subdivide one lot of record into two lots of record. She summarized the request before the commissioners and presented the existing conditions of the area. She then provided existing photos of the site and included photos of the existing building and parking lot. The proposed subdivision plat was presented and existing and proposed easements were highlighted. Specifically, Ms. Leon noted that an ingress/egress easement would be granted at the entrance of lot 2 for the benefit of lot 1. She then showed the requirements for new subdivisions and stated that the proposed subdivision would meet the area, width, and depth. Ms. Leon concluded the presentation by stating that staff felt that all of these standards were, and should the Planning Commission agree there was a draft motion on page three of the staff report.

Commissioner Johnson asked where the dock doors were located on the building. Ms. Flora Leon confirmed the location of the dock doors and noted that the ingress/egress easement would allow for the continue access to these dock doors by the Immanuel Residences.

Commissioner Maurer noted that based on the aerial photograph the typical residences vehicular traffic goes on the western lane of the entrance. The two lanes along the east are used to access the Village parking lot. Ms. Flora Leon confirmed that was correct.

Commissioners provided positive comments and support for the petition. Chairman Rickard entertained a motion.

WITH RESPECT TO FILE 22-PLC-0006 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, I FIND THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR A FINAL PLAT OF SUBDIVISION AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING AND SUBDIVISION ORDINANCES AND IS IN THE PUBLIC INTEREST AND THEREFORE, COMMISSIONER BOYLE MOVED THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0006, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION FOR THE IMMANUEL'S PLAT OF SUBDIVISION PREPARED BY EDWARD J. MOLLOY AND ASSOCIATES, DATED OCTOBER 18TH 2021, LAST REVISED ON NOVEMBER 22, 2021, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.**

SECOND BY COMMISSIONER TOTH. ROLL CALL:

AYE: COMMISSIONERS RECTOR, JOHNSON, DMYTRYSZYN, PATEL, ROCHE, TOTH, CHAIRMAN RICKARD
NAY: NONE

MOTION PASSED. VOTE: 8-0

THE MEETING WAS ADJOURNED AT 7:25 P.M. UPON MOTION BY COMMISSIONER PATEL. SECOND BY COMMISSIONER JOHNSON. A VOICE VOTE FOLLOWED AND THE MOTION PASSED UNANIMOUSLY.

/s/ Village Staff
Recording Secretary

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(As transcribed by MP-3 audio)