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**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING**

**August 1, 2022, 7:00 P.M.**

Chairman Rickard called the August 1, 2022 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Rickard, Commissioners Boyle, Maurer, Roche, Patel

**ABSENT:** Commissioner Dmytryszyn, Toth, Rector

**STAFF:** Planning Manager Jason Zawila

**OTHERS**

**PRESENT:** Ryan Swanson, Debra Zielke, Alan Zielke, David Alfano, Robert Tully, Scott Richards

**APPROVAL OF MINUTES**

Chairman Rickard entertained a motion to approve the minutes.

**MINUTES OF THE JULY 11, 2022 PLAN COMMISSION MEETING WERE APPROVED ON MOTION BY COMMISSIONER MAURER, SECOND BY COMMISSIONER PATEL, MOTION PASSED BY VOICE VOTE OF 5-0.**

**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-0014: A PETITION SEEKING APPROVAL OF A SPECIAL USE FOR A DRIVE-THROUGH FACILITY AND A VARIATION(S). THE PROPERTY IS CURRENTLY ZONED B-3, GENERAL SERVICES AND HIGHWAY BUSINESS. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF OGDEN AVENUE APPROXIMATELY 230 FEET WEST OF STERLING ROAD, COMMONLY KNOWN AS 621 OGDEN AVENUE, DOWNERS GROVE, IL (PIN 09-05-402-029, 030). ABYGROUPS, INC., OWNER AND ARC DESIGN RESOURCES, INC., PETITIONER.**

Petitioner, Ryan Swanson, Arc Design Resources, indicated that he is the project manager for the project and has Mr. Mohamed the owner with him this evening. They are presenting on behalf of AbyGroups and are requesting a special use with a drive through setback.

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Mr. Swanson stated that per the Plan Commission's request, the petitioner eliminated the need for the variance for the required drive-through setback. He then provided a brief overview of the modified site plan. Referring to the presentation screen, Mr. Swanson noted the location of the site and its placement in the Ogden Avenue Corridor. He then provided an overview of the changes and how it compares to the previous site plan. Mr. Swanson explained that the new site plan shifted north, which allowed for the required 50-foot setback from the south lot line to be incorporated. He also explained that extensive landscaping and fencing along the south lot line will be included, as well.

Chairman Rickard invited for any additional public comment.

Scott Richardson stated that he was concerned about traffic circulation through the site due to its proximity to Ogden Avenue. Then, he expressed that he supported the removal of the variance.

Robert Tully, 632 Dawn Place, explained that he was concerned about the noise levels that would be produced by the drive-through. He suggested there be volume control on the drive-through speaker boxes. He also expresses his concern that light and storm water from the site will encroach upon his property.

Allen Zeilke inquired who is responsible for regulating the volume level of the drive-through speaker boxes. He also stated that he was concerned that the site would increase flooding for surrounding residential properties. Mr. Zielke believed the proposed site development would negatively impact property values in his subdivision.

Robert Tully returned to the podium to inquire if homeowners would be involved in storm water review.

Jason Zawila, planning manager, clarified that stormwater will be reviewed by staff as part of the building permit process.

Debra Zielke stated that she researched the location of nine other Popeyes restaurants in surrounding cities. She explained that no other Popeyes was located near a residential area. Mrs. Zielke also expressed that she did not see the value in building another fast food restaurant along Ogden Avenue.

David Alfano explained that he believed the petition does not meet the standards for approval. He also confirmed if the Plan Commission received his letter. Mr. Zawila confirmed it was included with the Plan Commission packet. He expressed concern for drive-through noise levels. Mr. Alfano stated that the hours of operation for garbage pick-up would decrease his property value. He concluded that the stacking of cars in the drive-through would be harmful to the environment.

No additional public comment was received. Staff was invited to present.

Mr. Zawila, summarized the request stating that the petitioner is requesting approval for a special use at 621 Ogden Avenue. Per the Plan Commission's request, the petitioner eliminated the need for the variance for the required drive-through setback. He then provided a brief overview of the modified site plan.

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Mr. Zawila concluded his presentation by stating that staff does find that the standards for approval for the special use has been met. As such, staff does recommend approval of this petition. Should the Plan Commission agree, a draft motion can be found on page 2 of the staff report. He then stated if the Plan Commission has any questions, he would be happy to take those now.

Chairman Rickard inquired if, per building code regulations, light will be shielded from properties to the south. Mr. Zawila responded that the petitioner submitted a photometric plan that appears to meet building code requirements. Chairman Rickard then inquired if a fast food restaurant is permitted by right in the current zoning district. Mr. Zawila explained that a fast food restaurant is approved by right in this zoning district. He then stated that a special-use permit would be required for the drive-through, but that the request is consistent with past special uses that have been granted by the Village.

Chairman Rickard further inquired if the petitioner has chosen to include excessive landscaping where further parking could be implemented. Mr. Zawila confirmed this as true. Chairman Rickard then followed by asking how tall the fence along the south lot line will stand. Mr. Zawila explained that at least a 6-foot fence is required and an 8-foot privacy fence is proposed. Finally, Chairman Rickard inquired if the trash enclosure would be screened. Mr. Zawila confirmed it would be screened to code.

Chairman Rickard inquired if village engineering staff would review potential storm water issues. Mr. Zawila explained that storm water issues are only occurring on the vacant site because there is no current storm water control. Upon permit review, the petitioner will be required to meet storm water requirements of the Village. An inquiry was made regarding if the proposed fence will extend along the western lot-line. Mr. Zawila explained that upon permit review, staff would ensure the fence is place as required. Lastly, a question was asked about noise control for the drive-through speaker boxes. Mr. Zawila refers to previous special use drive through at 935 Ogden that required volume level to be lowered after 9pm. He explained that this is something that could be enforced in this instance, as well.

Chairman Rickard inquired how volume levels are measured and enforced. Mr. Zawila responded by stating the Village Ordinance has maximum decibel levels allowed to be emitted by any commercial property to residential property. This ordinance would work as a base for the petition and further restrictions could be implemented as necessary.

Chairman Rickard invited the petitioner back to the stand to respond to questions and comments. Mr. Swanson returned to the podium and clarified that the order boxes are oriented towards the west and not facing the residential properties which should assist with the noise. Additionally the eight-foot fence and landscaping will offer benefits beyond just visual barrier. He noted that in regards to emissions and sound, Ogden Avenue currently has 27,000 cars a day and that noise and emissions from the roadway exceed what this development will produce. Furthermore, the lighting and landscaping will meet or exceed the code requirements. Regarding the stormwater concerns, their project will follow all Village codes and requirements.

Mr. Aby Mohomad, owner, approached the podium to explain the technology behind the speakers and that with his other restaurants the audio is designed to be heard approximately 10 feet from the order box. He went on to further state that they take the concerns of the neighbors seriously and

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that he operates a company with many employees and has a hands on approach with all of his restaurants.

Mr. Swanson returned to the podium and stated that there will be 14 cars maximum in the drive through lane.

Mr. Patel stated that they do appreciate the petitioner coming back and reconsidering the drive through setback. From their perspective, he feels the standards of approval have been met. The development will be a great addition to the community. Developing this property is in the public's best interest.

Chairman Rickard reiterated that they appreciate the fact that variance request was removed and it goes a long way to showing good faith and trying to be friendly to the neighbors. He further noted that he likes the fact that the petitioner far exceeded the landscape to the south, which will greatly help visually, sound wise, aesthetically, and stormwater wise. He also appreciates the fact that trash container, which is usually tucked in the back corner, has been pulled away, far in excess of what a lot of them are. He also note that they lost a curb cut as part of this development, and now it's been reduced to only one access point, which is also helpful.

Mr. Maurer, stated that there is no longer a setback issue, which means that there's no longer a variance request. This is just a special use request and wanted to make two points for those that may be concerned about the recommendation this evening. The first is that the Plan Commission is here this evening to talk about the special use. Other items such as code review, permitting and stormwater will be reviewed and any situation such as stormwater will be improved. The other point is that Plan Commission is here to offer a recommendation and the Village Council is the final decision maker, but appreciates the public input on this case.

Ms. Roche, stated that she appreciates the additional landscaping and being able to adhere to the required setback for the drive through. This does provide for a nice buffer to the residential area.

Mr. Boyle state that he really appreciate the modification of site plan, and not having to seek a variance and feels that the proposed development fits within the zoning. He then questioned if a condition is needed for the volume of the drive through. Further discussion then occurred on the need to place a condition on the order boxes or if the Plan Commission was comfortable with the Village enforcing the Village code as it relates to sound. It was Plan Commission's understanding that past approvals have had similar conditions. It was decided to place a condition that the petitioner provide audio and sound control for the restaurant drive through speakers, in case there are volume issues in the future.

Chairman Rickard then asked for a motion.

**WITH RESPECT TO FILE 22-PLC-0014 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, COMMISSIONER PATEL MADE A MOTION THAT THE PETITIONER HAS MET THE STANDARDS OF APPROVAL FOR A SPECIAL USE BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST AND THEREFORE, I MOVE THAT THE PLAN COMMISSION RECOMMEND TO THE**

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**VILLAGE COUNCIL APPROVAL OF 22-PLC-0016, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO STAFF REPORT, THE ARCHITECTURAL DRAWINGS PREPARED BY WOOLPERT ARCHITECTURE DATED JUNE 1, 2022, AND REVISED ON JULY 22, 2022, AND THE CIVIL ENGINEERING DRAWINGS PREPARED BY ARC DESIGN RESOURCES INC., DATED JUNE 3, 2022, AND REVISED ON JULY 22, 2022, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES.**
- 2. APPROVAL FROM ILLINOIS DEPARTMENT OF TRANSPORTATION BEFORE ISSUANCE OF A BUILDING PERMIT.**
- 3. A LOT CONSOLIDATION MUST BE RECORDED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.**
- 4. THAT THE PEITIONER PROVIDE AUDIO AND SOUND CONTROL FOR THE RESTAURANT DRIVE THROUGH SPEAKERS.**

**SECOND BY COMMISSIONER BOYLE. ROLL CALL:**

**AYE: COMMISSIONERS BOYLE, MAURER, ROCHE, PATEL, AND CHAIRMAN RICKARD**

**NAY: NONE**

**MOTION PASSED. VOTE: 5-0**

Planning Manager Zawila provide a brief overview of the next steps for the case and noted that one item was scheduled for the August 22, 2022 Plan Commission meeting.

**THE MEETING WAS ADJOURNED AT 7:56 P.M. UPON MOTION BY COMMISSIONER JOHNSON. SECOND BY COMMISSIONER DMYSTRYSZYN. A VOICE VOTE FOLLOWED AND THE MOTION PASSED UNANIMOUSLY.**

/s/ Village Staff  
Recording Secretary  
(As transcribed by MP-3 audio)