

Chairman Pro Tem Griesbaum called the September 20, 2004 meeting of the Plan Commission to order at 7:30 p.m.

ROLL CALL

PRESENT: Mr. Griesbaum, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mr. Quandt, Mrs. Rabatah, Mr. Stark, Mr. Waechtler

ABSENT: Chairman Jirik, Daniel Cermak, Park District representative, Larry Cox, Sanitary District representative, Megan Schroeder, School Districts 58 & 59 representative

STAFF

PRESENT: Joseph Skach, Director Planning & Community Development
Lori Sommers, Strategic Planner
Keith Sbiral, Planner
Alice Dornan, Recording Secretary

Chairman Pro Tem Griesbaum advised the draft minutes of the July 19, 2004 meeting and the draft minutes of the August 2, 2004 need to be reviewed and approved. He asked if there were any additions, deletions or corrections to the draft minutes. **MR. WAECHTLER MOVED TO ACCEPT THE MINUTES OF JULY 19, 2004 AS WRITTEN, AND MR. MATEJCZYK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

MR. NICHOLAOU MOVED TO ACCEPT THE MINUTES OF AUGUST 2, 2004 AS WRITTEN, AND MR. MCCORMICK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

Mr. Griesbaum noted the Recording Secretary did a superb job on these minutes.

Chairman Pro Tem Griesbaum pointed out the Recording Secretary called out the names of the non-voting members of the Plan Commission when she called the Roll. Chairman Pro Tem Griesbaum advised he was asked by Chairman Jirik to explain the Commission's protocol with regard to members appointed to the Plan Commission by other governing bodies such as the Park District, Sanitary District and the School Districts. Chairman Pro Tem read the following protocol:

“For members of the Plan Commission appointed by other governing bodies, these members will be 1) provided with meeting notices and information packets for all meetings regarding the Plan Commission, delivered on Friday; 2) provided with a name plate and seating at the front of the room with Staff; 3) called by name and representation (i.e., Mary Thompson – Park District Representative) during roll call; 4) recognized and participate as any other Plan Commission member during the scheduled Question & Answer portion of the meeting; 5) eligible to participate in joint Plan Commission meetings with other organizations following the above protocol. Note: Per Village Ordinance, these members are not eligible to vote and do not count towards establishing a quorum.

Chairman Pro Tem Griesbaum recalled the comments made by Megan Schroeder at our last meeting and noted this protocol is the result of those comments.

Mr. Nicholaou stated the non-voting members' ideas are welcomed. He noted with regard to the joint meetings between the Plan Commission and the Economic Development Commission, unless you attend as many meetings as possible these members will have difficulty ascertaining what is transpiring at each meeting. Mr. Nicholaou stated it is great to be able to read the minutes of those joint meetings, but it is very difficult to grasp the tenor of what occurred if a non-voting member did not attend those meetings on a regular basis.

Mr. Waechtler asked the reason for the change. He noted there has always been a member from the Park District appointed to the Plan Commission and the current appointee used to attend on a regular basis. He asked why the addition of two more appointed members from outside organizations. Chairman Pro Tem Griesbaum responded there have always been members appointed from the Park District, the Sanitary District and the School Districts, but they chose not to attend. Mr. Skach agreed and noted the history showed they have been part of the Code, have always been members and commonly referred to as "ex-officio members". Mr. Skach advised the Council wanted to make sure that all the members were recognized per Code.

Chairman Pro Tem Griesbaum pointed out petition packets were available on the shelves on both sides of the Council chamber. For the benefit of the members of the audience, Chairman Pro Tem Griesbaum explained the purpose of the Plan Commission is to conduct public hearings to put together information, testimony from members of the public, technical assessment by Staff and questions and comments from Plan Commission members to provide a body of information to the Mayor and the Village Council. Chairman Pro Tem Griesbaum further explained that the Plan Commission would be making a recommendation with regard to this evening's petition and would not be taking any final action.

Chairman Pro Tem Griesbaum outlined the protocol for this evening's agenda item. First, as Chairman, he will call the public hearing to order. Village Staff is the petitioner and will present the technical review and recommendations. Chairman Pro Tem Griesbaum advised this presentation assesses what is being requested relative to the Ordinances, Codes and other requirements of the Village. The second step, the public participation portion of the hearing, is the time when members of the public are afforded an opportunity to speak. Chairman Pro Tem Griesbaum further explained questions could be asked of Staff. As a matter of procedure, Staff gathers all the questions to be addressed sequentially upon completion of public comment.

Chairman Pro Tem Griesbaum stated the final step is the Plan Commission's deliberation of the petition. When deliberation is over, a motion is presented. Chairman Pro Tem Griesbaum explained the motion can be to either recommend approval based on the information provided, it can be to recommend approval with changes or revisions or it

can be to recommend denial. The recommendation along with the minutes, exhibits, etc. is forwarded to the Mayor and the members of the Village Council for further processing.

Chairman Pro Tem Griesbaum pointed out the proceedings are recorded to assist in the preparation of the minutes. He encouraged those wishing to speak to come to the podium where there is a microphone, to speak clearly and slowly and state their name and address before beginning their testimony so that detailed minutes can be provided. Chairman Pro Tem Griesbaum asked anyone who testifies to remain in the Council Chambers in the event the Plan Commission members want to address specific questions to them in order to fully understand an issue or a concern.

Chairman Pro Tem Griesbaum explained there is one item on this evening's agenda, and the Plan Commission would be forwarding a recommendation with regard to this petition to the Village Council for its consideration.

FILE NO. PC-18-04 Proposed Amendment to the Future Land Use Plan to designate certain existing commercial properties as "Commercial" (Red)

Chairman Pro Tem Griesbaum asked for the Staff presentation.

Mr. Skach stated the germ of this project was planted in the summer of 2002 when there was recognition and discussions with respect to the Village's land uses overall, proportions of commercial land use to residential land use and the recognition that all the land uses need to be visited on a regular basis, but in particular the Commercial land areas which had not been visited since 1995. Mr. Skach acknowledged there was recognition by the Economic Development Commission as well as the Plan Commission that the Commercial areas warranted some updated discussions given that the dynamics of the land uses in the Village, the local area and the northeastern Illinois region were changing and placing different pressures on the Village as well. Mr. Skach stated this step, commonly referred to as the "Housekeeping" map, was the culmination of approximately one year's worth of discussions between the joint Strategic Planning Committee, which consisted of the Economic Development Commission and the Plan Commission. Mr. Skach noted most of the current Plan Commission members were involved in those discussions and if the newest members have read all the materials presented to them; they should feel as though they sat in on those year-long discussions. Mr. Skach emphasized no zoning changes are being proposed or required as a result of these changes. They are only Future Land Use Map changes; i.e., comprehensive map changes, but they are intended to reflect the long-term disposition of those properties identified as Commercial uses. The properties are already established as Commercial Uses. No differing conditions are contemplated from whatever base color Yellow (Residential) or Purple (Office-Research-Manufacturing) to Red (Commercial). Mr. Skach indicated Staff was happy to be coming to this point and recognized a lot more work has to be done in particular when Staff starts getting into Map B, which is the "New Proposal". Those public meetings will continue as we move forward in updating the Comprehensive Plan.

Mr. Skach turned the Staff presentation over to Mrs. Sommers to outline each of the specific areas.

Mrs. Sommers explained the Village is acting as petitioner for an amendment to the Zoning Ordinance. Mrs. Sommers stated the Public Works and Fire Prevention Departments have reviewed the language changes and have no issues with the adoption of these changes.

Ms. Sommers pointed out the seven areas to be considered as displayed on the overhead screen. For the record, Mr. Skach noted three of the panels are not shown on the overhead screen due to the conversion process. He pointed out they do appear on the map.

Mrs. Sommers explained Project Area I is the first area to be discussed. It is in the downtown area and is known as The Community Bank, Wendell Real Estate properties; specifically, 1111 and 1121 Warren Avenue. The proposal is to change these properties to a Commercial land use designation. The subject of this proposed land use re-designation is a two-parcel tract commonly used as a single commercial zoning lot in the downtown area. The property at 1111 Warren Avenue is primarily surrounded by B-2 zoning, with the only exception being an 80-foot section of R-6 to the north occupied by senior apartments.

Mrs. Sommers explained in 1981 the Zoning Board of Appeals recommended approval to rezone the property from M-1, Light Manufacturing District, to B-2, General Retail Business. Even though the proposed rezoning was not in strict conformance with the O-R-M Land Use designation, the use and proposed rezoning was consistent with the surrounding zoning characteristics and land uses. Also in 1981 the Village Council passed an Ordinance that rezoned 1111 Warren Avenue from M-1, Light Manufacturing to B-2, General Retail Business.

Mrs. Sommers stated on March 19, 1973 the property to the west, 1121 Warren Avenue, was approved for a zoning designation change from M-1, Light Manufacturing, to B-2, General Retail Business.

Most recently, on September 7, 2004, the Village approved redevelopment of the site for commercial use per the existing B-2 zoning including a retail banking facility and commercial office.

Mrs. Sommers stated the existing Future Land Use Plan designates the subject property as Office Research and Manufacturing (Purple) on the map. The Village is proposing that these two parcels be designated as Commercial (Red) to be consistent with the existing B-2, General Retail Business Zoning but also to be more reflective of the current and longer-term desire to have this Downtown area remain commercial in orientation.

Mrs. Sommers next referenced Project Area II called The Home Depot Center, which contains Petsmart (now Sam's Wine & Spirits), Golf Smith and a vacant site to the north. The existing zoning on these properties is B-3, General Services and Highway Business District, the existing Land Use Designation is O-R-M (Office Research and Manufacturing (Purple) and the proposed Land Use Designation is Commercial (Red).

Mrs. Sommers explained the Home Depot property received tentative plat approval in October 1996 by Resolution 96-71, and then received final plat approval in December 1996 by the Village Council.

Mrs. Sommers advised the existing Home Depot parcel and the vacant property to the north was the subject of a condemnation action against the original owner and the Illinois Toll Highway Authority. As part of the settlement agreement, the Illinois Toll Highway Authority was to provide a full access and right-in, right-out access to the site with a signalized intersection. In reviewing the existing configuration of the buildings, it was noted that the purpose of this configuration was to protect the Lloyd Avenue homeowners to the west.

Mrs. Sommers noted most recently the Home Depot site was the subject of a petition to expand the commercial uses on the site. The Joint Committee considered this overall tract a key commercial site.

The existing Future Land Use Plan designates the subject property as Office Research and Manufacturing (Purple). The Village is proposing this tract be re-designated to Commercial (Red) to be consistent with the existing B-3, General Services and Highway Business District zoning, but also to be more reflective of the current and longer term desire to have this gateway location remain commercial in orientation.

Mrs. Sommers advised the Public Works/Engineering memo dated August 24, 2004 had some comments about this property but had no comments on any of the other properties being presented this evening. During the stormwater review, Public Works indicated the proposed land use changes are not anticipated to have any direct affect on the feasibility of meeting stormwater regulations on the subject property. The only parcel not currently developed is the area north of the Home Depot. Public Works stated development on this site would have to address a small creek channel and potential wetland areas; however, the degree of challenge is more related to the percentage of green space than it is to a specific land use regulation.

With regard to traffic, Mrs. Sommers stated the undeveloped site north of the Home Depot has limitations to direct roadway access; however, the Public Works Department understands that an easement agreement on the Home Depot site would allow access to the property.

Mrs. Sommers stated Project Area III, the AutoZone property, is the next area to be addressed. Its existing zoning is B-2, General Retail Business District. The existing

Future Land Use Plan designates the subject property as Single Family Residential (Yellow). The Village is proposing that this parcel have a land use designation of Commercial (red) to be consistent with the B-2, General Retail Business Zoning District but also to be more reflective of the current and longer term desire to have this location remain commercial in orientation.

Mrs. Sommers explained the site is located on the northeast corner of 63rd Street and Belmont Road. In December 1996, the Zoning Board of Appeals recommended approval of the requested rezoning for this property from DuPage County R-4 to Village B-2 upon annexation. The Zoning Board of Appeals recommended approval of the rezoning because it was consistent with the commercial utilization of the other three corners on Belmont Road and 63rd Street and because the property met the Village's Zoning Ordinance requirements.

It was previously noted that the proposed rezoning to B-2 upon annexation was not consistent with the letter of the Future Land Use Plan; however, the rezoning would be consistent with the existing business zoning granted by the Village on the southeast and southwest corners of the Belmont and 63rd intersection and with the commercial development at the northwest corner of this intersection.

In 1997 Council approved Ordinances to annex and rezone the subject property to B-2, General Retail Business District upon its annexation and subject to the provision of an annexation agreement (Res. 97-46).

The site is zoned B-2, General Retail Business District, which currently is not consistent with the Future Land Use Plan designation of Single Family Residential (Yellow); however, the zoning designation reflects the longer term desire by the Village for this tract to remain commercially oriented.

Mrs. Sommers next addressed Project Area IV, Victoria Center, located at 6301 Woodward Avenue. Its existing zoning is R-3, Single Family Residence District (Planned Development No. 4). The existing Future Land Use Plan designates the subject parcel as Residential 6-11 DU/Acre (Orange). The Village is proposing that this parcel have a Land Use designation of Commercial (Red) to be consistent with the currently well-established commercial uses on the parcel.

In October 1987, the Plan Commission recommended approval of the final site plan for Victoria Ridge Planned Development (PD 4), which was approved by the Village Council in November 1987. The final Planned Development consists of 104 townhouse units and a retail commercial area. The commercial area, more commonly known as the Victoria Center, sits on a 1.7-acre site at the southeast corner of 63rd Street and Belmont Avenue, directly across the street from the Meadowbrook Shopping Center, and is firmly established as a commercial use.

In addition, the parcel, which is currently in Planned Development (Planned Development #4), is zoned R-3, Single Family Residential. The land use re-designation

to Commercial facilitates the potential for this parcel to receive a “business” zoning designation to better address the firmly established existing commercial business uses and to follow the proposed Future Land Use Map designation of Commercial.

Mrs. Sommers stated Project Area V is the Walgreens at the corner of 63rd Street and Belmont Road.

This site was developed under a Judgment Order. On October 10, 1975, the State of Illinois Appellate Court, Second District filed an opinion of the Court. In summary, the case stated that under the B-2 zoning of the County of DuPage along with a special use permit to allow the construction and operation of a gasoline service station and convenience food market constitutes a reasonable use of the real estate for the proposed commercial retail use.

In February 1979, the subject area was annexed into the Village and rezoned R-1, Single Family Residential as the default zoning upon annexation. In 1979, the Village rezoned everything within the Hobson triangle to R-4, Single Family Residential, except for the properties along 63rd Street. The properties along 63rd Street were allowed to remain as R-1, Single Family Residential because it was believed that this area would eventually reflect the same or similar commercial uses across the street.

Mrs. Sommers advised the existing Future Land Use Plan designates the subject property as Residential 6-11 DU/Acre (Orange). The Village is proposing that this parcel have a Land Use designation of Commercial (Red) to be consistent with the currently well-established commercial retail use on the property.

The property is currently zoned R-1, Single Family Residential. The land use re-designation to Commercial facilitates the potential for this parcel to receive a “business” zoning designation in the future to better address the firmly established existing commercial retail use.

Mrs. Sommers next addressed Project Area VI, specifically the Saab and McDonalds parcels at 4320 Cumnor Road and 225 Ogden Avenue.

Mrs. Sommers explained the single tract, generally located at the southwest corner of Ogden and Cumnor Avenues consists of two adjacent parcels currently established as commercial retail uses.

The current auto dealership site was originally a commercial bakery outlet facility and the Downers Grove Motel. In 2002 the Zoning Board of Appeals recommended approval of a Special Use for the Saab dealership for automobile repair and service in addition to sales. In order to facilitate an adequate site to construct the new dealership, the dealership purchased an additional parcel to the south fronting on Cumnor Road. This parcel is the easterly component of the proposed land use re-designation. The Village approved an Ordinance on December 16, 2002 to rezone the property located at 4320 Cumnor Road from R-4, Single Family Residential to B-3, General Service and Highway Business District. On January 21, 2003, the Village approved an Ordinance for a Special Use on the entire combined property for a new automobile dealership.

The commercial fast food restaurant parcel at 225 Ogden Avenue was first constructed in 1956. The use has been firmly established since then including remodeling and adding an enclosure for a playground area in 1995. There are current plans to again remodel/rebuild the facility for its continued commercial retail use well into the future. Mrs. Sommers further explained in 1965 the Village authorized a Conditional Use (Special Use) for the parking of motor vehicles on the rear portion of the property that is zoned as R-4, Single Family Residential. The Conditional Use is to be used for parking of motor vehicles as a Conditional Use accessory to the directly adjacent commercial retail property. This parcel is the westerly component of the tract proposed for re-designation to Commercial.

Mrs. Sommers stated the existing Future Land Use Plan designates the subject property as Single Family Residential (Yellow). The Village is proposing that the above tracts have a land use designation of Commercial (Red) to be more reflective of the current and longer term desire to have this location remain commercial in orientation.

The land use re-designation to Commercial facilitates the potential for the 225 Ogden parcel to receive a “business” zoning designation to better address the firmly established existing commercial retail uses and to follow the proposed Future Land Use Map designation of Commercial.

Mrs. Sommers next addressed Project Area VII, commonly known as the Family Video/Barones Pizza parcel located at the southwest corner of 63rd Street and Fairview Avenue.

Mrs. Sommers stated in January 1996 the Zoning Board of Appeals unanimously recommended that the Village Council deny the proposed rezoning from R-1, Single Family Residential to B-2, General Retail Business, but in April 1996 the Council passed a Resolution authorizing the execution of an annexation agreement for the southwest corner of 63rd Street and Fairview Avenue. Ordinances were passed in April 1996 to annex the site into the Village and rezone the site from R-1, Single Family Residential to B-2, General Retail Business District. This zoning remains in place.

Mrs. Sommers noted the existing Future Land Use Plan designates the subject property as Single Family Residential (Yellow). The Village is proposing that this parcel have a land use designation of Commercial (Red) to be consistent with the B-2, General Retail Business Zoning District but also to be more reflective of the current and longer term desire to have this location remain commercial in orientation.

In conclusion, Mrs. Sommers stated the Staff Development Team has reviewed the Requested Action for the proposed Future Land Use Amendment and recommends that the Plan Commission consider recommending approval to the Village Council subject to the following conditions:

1. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be

promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information.

Mrs. Sommers indicated she would be available to answer any questions.

Chairman Pro Tem Griesbaum asked if there were any members of the audience who wished to speak.

As there was no response, Chairman Pro Tem Griesbaum closed the public participation portion of the public hearing.

Chairman Pro Tem Griesbaum next asked if there were any questions or comments from the Plan Commission members.

With regard to Project Area VI - McDonalds, Mr. Waechtler noted he visited the site today. It appears McDonalds has torn down most of the building, and he asked if they are going to do a complete teardown and rebuild. Mr. Skach responded McDonalds conveyed to the Village that the footprint of the building would remain the same.

Mr. Waechtler next asked if Staff had received any inquiries, questions or comments from the residential area, specifically those neighbors next to Project Area III and IV. Mrs. Sommers responded that she has heard nothing from the residents in the neighborhoods adjacent to those Project Areas.

Mr. McCormick asked Mr. Skach if there had been any thought given to any of the other properties on either side of Ogden Avenue to changing the areas shown in Yellow on the Future Land Use Map to Red. Mr. McCormick recalled when the Joint Committee reviewed the Future Land Use Plan there was recognition that not too much could be done with the residential areas abutting Ogden Avenue. Mr. Skach responded a lot of those properties currently adjacent to the Red corridor along Ogden Avenue would at some point need to be considered as potentially changing from Yellow to Red. At this particular point, the Village is looking at those areas on a case-by-case basis. Mr. Skach noted the Joint Committee could revisit that and perhaps make more specific recommendations. Currently there are no wholesale changes to tracts contemplated.

With regard to the letters sent to the affected property owners, Chairman Pro Tem Griesbaum asked Mrs. Sommers if she felt the owners understood what was happening with their properties. Mrs. Sommers responded she talked to a number of the property owners. She answered questions and in some cases spoke to the owner's attorney. She noted the owner of Victoria Center is present this evening. She indicated she and Mr. Skach met with the owner previously to discuss the affects of the changes on Victoria Center. Mrs. Sommers expressed her opinion that the property owners she spoke with understood the changes would help them in the long run.

Chairman Pro Tem Griesbaum asked if there were any other comments or questions from the Plan Commission members. Chairman Pro Tem Griesbaum advised the Plan

Commission could make one of three types of motions; a motion to recommend approval, a motion to recommend approval with changes or a motion to recommend denial. Hearing no further questions or comments, Chairman Pro Tem Griesbaum called for a motion.

MOTION: WITH RESPECT TO FILE NO. PC-18-04, PROPOSED AMENDMENT TO THE EXISTING FUTURE LAND USE MAP DESIGNATING CERTAIN PROPERTIES COMMERCIAL (RED), MR. NICHOLAOU MOVED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSED AMENDMENT TO CHAPTER 28 OF THE MUNICIPAL CODE, ZONING ORDINANCE, SECTIONS 28.902, 28.905 AND 28.906, AS PRESENTED BY STAFF. MRS. RABATAH SECONDED THE MOTION.

Chairman Pro Tem Griesbaum asked if there were any questions or discussion regarding the intent or the nature of the motion. There was no response. Chairman Pro Tem Griesbaum called for the vote.

ROLL CALL:

AYE: Mr. Nicholaou, Mrs. Rabatah, Mr. Matejczyk, Mr. McCormick, Mr. Quandt, Mr. Stark, Mr. Waechtler, Chairman Pro Tem Griesbaum

NAY: None

The Motion passed unanimously.

Chairman Pro Tem Griesbaum explained the Plan Commission's activities with regard to this petition are complete; however, there are additional steps that will occur as the petition moves through the review process. The next step would be scheduling the petition at a Council Workshop session. Those present who wish to follow the progress of this petition can contact Staff for the date this petition is to be presented to the Village Council. The Council agenda is published in the Village Corner section of the Sun newspaper and will also be available on the Village's web site.

Mr. Nicholaou asked Staff if they had any knowledge as to what is going on with regard to a large parcel on Ogden Avenue that is all fenced off and buildings have been torn down. Mr. Skach responded a retail center is to be developed on the former Mr. B's property.

Chairman Pro Tem Griesbaum asked if there could be some type of parking sticker for those individuals serving on the Sign Committee. Daytime parking is limited to two hours. Mr. Waechtler noted he got back to his car after a recent Sign Committee meeting just as the officer was getting ready to write a ticket for his vehicle. Mrs. Sommers stated she would follow up on this matter and pass the information on to the members of the Sign Committee.

Mrs. Rabatah asked for clarification regarding the Sign Committee meetings. Chairman Pro Tem Griesbaum explained there is a Subcommittee that meets Thursdays from Noon to 2 p.m. to review the existing Sign Ordinance and propose changes. He assured Mrs. Rabatah new Plan Commission members are welcome to attend. He further advised that there is representation from the Economic Development Commission and the Zoning Board of Appeals also serving on this Subcommittee.

Mr. McCormick advised the new Plan Commission members that the Joint Economic Development-Plan Commission Committee will be meeting again to further discuss land use designations. Those meetings are in the evening. Mr. Waechtler added the next joint meeting would be on October 4, 2004.

Mr. Waechtler expressed appreciation to Mrs. Sommers for all the work that went into this evening's Staff report. Plan Commission members echoed his comments.

Chairman Pro Tem Griesbaum asked Staff if there would be a meeting in October. Mr. Sbiral responded the meeting will be October 18, 2004, and there will be several petitions on the agenda.

As there was no further business, Chairman Pro Tem Griesbaum called for a motion to adjourn. **MR. STARK MOVED TO ADJOURN THE MEETING, AND MR. MATEJCZYK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:05 p.m.