

Chairman Jirik called the December 2, 2003 meeting of the Plan Commission to order at 7:30 p.m.

ROLL CALL

PRESENT: Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mrs. Reynolds, Mr. Stark, Chairman Jirik

ABSENT: Mr. Griesbaum, Mr. Waechtler

STAFF

PRESENT: Joseph Skach, Director Planning & Community Development
Amanda Browne, Planner
Keith Sbiral, Planner
Alice Dornan, Recording Secretary

Chairman Jirik stated the draft minutes of the November 4, 2003 meeting need to be reviewed and approved. He asked if there were any additions, deletions or corrections to the minutes. Mr. Nicholaou noted on Page 14, third paragraph, second line the word “amends” should be “amend”. On Page 33, last paragraph, fifth line change “he was duped” to “we were duped”. On Page 34, first paragraph, sixth line should be changed to read “Mr. Nicholaou indicated we Commissioners are not spending time to assist the community and Ogden Avenue by serving on the Plan Commission and attending joint meetings with the Economic Development Commission to then have a business ignore its responsibilities”. Also on Page 34, third paragraph, Mr. Nicholaou asked that sentences four through six be deleted. Mrs. Reynolds noted that the date at the bottom of each page should be changed to November 4, 2003. **MRS. REYNOLDS MOVED TO ACCEPT THE MINUTES OF OCTOBER 7, 2003 WITH CHANGES AS NOTED, AND MR. NICHOLAOU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

Mr. Stark thanked the recording secretary for an excellent set of minutes. He recalled that there were seven amendments to his motion regarding File No. 2005, Villas of Maple Woods.

Chairman Jirik outlined the protocol for this evening’s agenda items. First, the petitioner, who is the individual proposing to do something with a particular parcel of land, will make a presentation. The petitioner will explain what he is seeking to do and how the proposal conforms to what the Village allows or does not allow.

Chairman Jirik continued, second, Village Staff presents its technical review and recommendations. The third step, the public participation portion of the hearing, is the time for those present who desire to speak to be heard. Chairman Jirik pointed out the proceedings are recorded in the form of minutes. He encouraged those wishing to speak to speak clearly and slowly so that detailed minutes can be provided. He asked those wishing to testify to state their name and address before beginning their testimony.

Chairman Jirik asked those planning to speak to limit their comments to three minutes. He further advised when everyone has had an opportunity to speak, people may speak for a second time as long as they do not repeat what previous speakers have said.

Chairman Jirik stated the final step is the Plan Commission's deliberation of the petition. Plan Commission members can and may ask questions of anyone who spoke regarding the petition so that they can fully understand an issue or concern.

Chairman Jirik pointed out packets of information regarding this evening's agenda items are available at the front table. Chairman Jirik explained there are three items on this evening's agenda. Chairman Jirik asked if anyone on the Commission had an objection to revising the agenda order. File No. 2006 will be heard first because the petitioner has requested a continuance to the January 19, 2004 Plan Commission meeting. File No. 2009 will be heard second as that petitioner has also requested a continuance to the January 19, 2004 Plan Commission meeting. There were no objections.

Chairman Jirik noted with respect to File No. 2008, the Plan Commission would be forwarding a recommendation to the Village Council for its consideration. Chairman Jirik explained the recommendations could take one of three forms; recommend approval as presented, recommend approval with changes or recommend denial.

PUBLIC HEARING: FILE NO. 2006 LOT SPLIT - A petition seeking a lot split including a request for a lot depth exception for the west lot. Property located on the northwest corner of Blanchard and Middaugh Streets, commonly known as 1312 Blanchard Street, Downers Grove, IL (PIN 09-18-202-038); Robert D. and Carol N. Baker, Owners, Robert D. Baker, Petitioner **PETITIONER HAS REQUESTED A CONTINUANCE TO THE JANUARY 19, 2004 MEETING OF THE PLAN COMMISSION.**

Chairman Jirik called the public hearing to order and suggested that a motion to grant the petitioner's request would be appropriate at this time.

MOTION: MR. MCCORMICK MOVED WITH RESPECT TO FILE NO. 2006 LOT SPLIT, THAT THE PLAN COMMISSION GRANT THE PETITIONER'S REQUEST TO CONTINUE THE PETITION TO THE JANUARY 19, 2004 PLAN COMMISSION MEETING. MR. KAHLKE SECOND THE MOTION.

Chairman Jirik asked if there were any questions or comments regarding the motion. Hearing none, he called for the vote.

ROLL CALL:

AYE: Mr. McCormick, Mr. Kahlke, Mr. Matejczyk, Mr. Nicholaou, Mrs. Reynolds, Mr. Stark, Chairman Jirik

NAY: None

The motion passed unanimously.

Chairman Jirik advised that beginning in January, the Plan Commission would conduct its meetings on the third Monday in the Village Hall Council Chambers.

For the record, Ms. Browne stated normally when hearings are continued from one month to the next, a sign is not posted, but because of the change in day and location a new public hearing sign will be posted on the property.

PUBLIC HEARING: FILE NO. 2009 A petition seeking Final Plat Approval of Banchory Woods Subdivision including certain exceptions from Code. The property is located at the northeast corner of Lee and Chicago Avenues, Downers Grove, IL (PIN 09-06-312-021 & 09-06-312-016); Joel Andersen Homes Ltd. By James F. Russ, Jr., Attorney/Petitioner

Chairman Jirik called the public hearing to order and stated this petitioner has also requested a continuation to the January 19, 2004 Plan Commission meeting.

MOTION: MR. MCCORMICK MOVED WITH RESPECT TO FILE NO. 2009 THAT THE PLAN COMMISSION GRANT THE PETITIONER'S REQUEST TO CONTINUE THE PETITION TO THE JANUARY 19, 2004 PLAN COMMISSION MEETING TO BE HELD IN THE VILLAGE HALL COUNCIL CHAMBERS. MR. KAHLKE SECONDED THE MOTION.

Chairman Jirik asked if there were any questions or comments regarding the motion. Hearing none, he called for the vote.

ROLL CALL:

AYE: Mr. McCormick, Mr. Kahlke, Mr. Matejczyk, Mr. Nicholaou, Mrs. Reynolds, Mr. Stark, Chairman Jirik

NAY: None

The Motion passed unanimously.

Ms. Browne noted that a new sign would be posted on this property as well.

PUBLIC HEARING: FILE NO. 2008 A petition seeking the following:
1) Final Plat Approval of Resubdivision No. 1 of The Home Depot Subdivision and 2) A Special Use for an automobile repair facility (tire installation and repair) operated in conjunction with retail tire sales. The property is located on the north side of Butterfield Road immediately west of Interstate 355 (North-South Tollway); commonly known as 1201 Butterfield Road, Downers Grove IL (PIN 06-30-300-013); The Home Depot, Owner; Greenburg Farrow Architecture, Petitioner

Chairman Jirik called the public hearing to order and asked if there was a representative of the petitioner present.

Todd Mosher, Greenberg Farrow Architecture, 3455 Salt Creek Lane, Suite 100, Arlington Heights, Illinois stated he represents Discount Tire Company, the petitioner on the application. Mr. Mosher advised Discount Tire Company has entered into an agreement to purchase 1.1 acres of land in the extreme southeast corner of The Home Depot parking lot. One of the conditions of the purchase agreement was the subdivision of the lot. This petition is asking for a proposed Lot 5 of The Home Depot Subdivision. Mr. Mosher indicated the second part of the petition is the special use for the automotive repair shop in the B-3, General Services and Highway Business District. He pointed out that a statement of support for the special use permit has been submitted and is included in the Plan Commission packet.

With respect to the special use, Mr. Mosher stated there would be no repair or maintenance of vehicles. There will be no oil changes, radiator flushing, car washing, etc. The only thing done at this site will be the sale of tires and the installation of tires and wheels.

In conclusion, Mr. Mosher stated that Rick Bertone from Discount Tire was also present this evening to answer any questions regarding the operation at this site.

Chairman Jirik asked Staff for its presentation.

Mr. Keith Sbiral stated the application was filed in conformance with applicable procedural and public notice requirements.

Mr. Sbiral explained the petitioner is requesting approval of a proposed Final Plat of Subdivision and approval of a proposed Special Use to authorize an Automobile Repair and Service Shop for the installation of tires and wheels operated in conjunction with a retail sales facility.

With regard to the site, Mr. Sbiral stated the site of the proposed development is an existing retail center, the Home Depot Subdivision, which received final plat approval in January 1997. The original approval of the retail center included four (4) lots. The Home Depot home improvement center is the primary retail outlet and occupies Lot 1, Lot 2 was formerly occupied by a PetsMart store but is currently vacant, and Lots 3 and 4 were combined to form the Golfsmith store, which is on the southwest corner of the development.

Mr. Sbiral stated the subdivision proposes to create one additional lot (Lot 5) at the southeast corner opposite of the Golfsmith store. Proposed Lot 5 will be 48,684 square feet (1.12 acre).

Mr. Sbiral stated that Staff has certain concerns regarding the proposed lot configuration and its potential resulting impact on site circulation locally and overall in the subdivision. These concerns have been discussed with the petitioner, and correspondence regarding these concerns was included in the Plan Commission packet.

Mr. Sbiral noted, based on the proposed lot lines, the addition of new elements such as parking landscape islands are indicated either completely or partially on adjoining property, particularly The Home Depot lot. He stressed, in Staff's opinion, the ownership and maintenance of the petitioner's property must be clearly defined before final approval so those landscape islands can maintain some conformity as a whole. The Center property owners should continue to recognize that although these retail parcels are under separate ownership, the whole subdivision needs to operate as a unified whole.

With respect to lot area, lot width, depth and frontage, Mr. Sbiral stated both the modified Home Depot lot and the proposed Discount Tire lot conform to Code requirements.

With regard to the Special Use approval, Mr. Sbiral indicated the retail sales use is permitted by right in the B-3, General Services and Highway Business district which is what the entire subdivision is zoned. The petitioner is requesting approval of a Special Use only for the automobile repair and service component of the 8,480 square foot building which will include a showroom, new and used tire storage, and eight service bays. Mr. Sbiral emphasized there would not be any heavy mechanical work such as brake repair, engine or transmission work. Mr. Sbiral confirmed that the petitioner submitted a Statement of Support for the Special Use according to the Ordinance standards.

With regard to the current Future Land Use Plan, Mr. Sbiral stated the entire Home Depot Subdivision property is classified as *Office Research and Manufacturing*. In this area, as well as others, the Village has employed B-3 zoning in conjunction with the ORM land use designation. The subject property has been firmly established as a commercial retail center since 1997 and is consistent with the Future Land Use Plan. Traditional commercial retail use of the property is appropriate and should be encouraged and continued.

With regard to site characteristics, Mr. Sbiral stated the overall shopping center site is approximately 18.16 acres. A privately and separately owned parcel to the north of the Center provides storm water detention for the Center by access easement agreements, which will continue with the development of the new parcel. The shopping center site also contains a perimeter road that provides for access to all of the site's stores. The petitioner is proposing to amend existing access agreements between the property owners to ensure continued access to the perimeter road by all users of the retail center.

Mr. Sbiral noted Staff has some concerns relative to site circulation. As part of the original subdivision approval pursued by Home Depot, the intent was that even if separate owners own the different lots, the center must operate in a safe, efficient, and

consistent manner as a whole development. There are some traffic circulation issues, and additional impacts that may need to be monitored as the development is pursued.

With regard to bulk characteristics, Mr. Sbiral stated the proposed structure meets bulk requirements. If the proposed subdivision is approved, both the existing Home Depot lot as well as the new Discount Tire lot will maintain conformity with Code relative to floor area ratio and building height.

With regard to yards and setbacks, Mr. Sbiral advised the proposed Lot 5 would be surrounded by The Home Depot lot, which is zoned B-3, and, therefore, side or rear yards are not required. The existing front, rear, and side yard setback requirements will remain unchanged for The Home Depot lot (Lot 1). The new Discount Tire lot also complies with the front yard requirements.

With regard to green space, Mr. Sbiral stated the petitioner is proposing to exceed the minimum green space requirements per Code with roughly 18% proposed instead of 10%. It also complies with the front yard requirement for green space; 3,651 square feet is proposed to be located in front of the principal structure along Butterfield Road. The petitioner is also proposing to construct two new landscape islands on the north end of the new lot to include the addition of four American Purple Ash trees. Mr. Sbiral noted these are shown on the Home Depot property (Lot 1). He explained ownership and responsibility for the newly proposed islands and plantings needs to be defined, and the property owners should work to ensure a consistency of visual quality and maintenance of the center as a whole.

With regard to parking, Mr. Sbiral explained the Code requires parking for commercial uses to be calculated at one parking space for every 300 square feet of gross floor area. The proposed 8,480 gross square foot building requires 29 spaces. The plan proposes a total of 43 parking spaces. Even though the Home Depot parcel will be losing parking as a result of the proposed Lot 5, it will still conform to the Ordinance with 485 spaces.

With regard to loading and site lighting, Mr. Sbiral stated both meet the standards of the Ordinance. The building design should provide an overall positive situation for the retail center.

With regard to Public Works and Engineering, Mr. Sbiral indicated no wetlands are impacted, and no Special Flood Hazard Areas or Localized Poor Drainage Areas exist on the proposed site. The site will be connected to the existing stormwater management facilities located on a lot north of the subdivision with an easement specifically dedicated for this use.

With regard to traffic, Mr. Sbiral stated the access to the property is via the existing 25-foot wide main access road currently shared by Home Depot (however, with the subdivision a portion will be owned by Discount Tire). Other uses in the center also utilize this primary access point. No additional curb cuts are proposed or required along Butterfield road at this site.

Mr. Sbiral noted the Traffic Division recommends certain conditions be addressed prior to Council consideration including adjusting drive aisle alignment in front of the new facility and more clearly defined vehicular circulation to the north of the new facility. The northbound lane along the new building terminates in a landscape island. Striping and physical separation should be provided to clarify traffic lanes as well as loading and refuse pickup areas.

Mr. Sbiral stated certain other conditions should be addressed prior to certificate of occupancy including installation of a stop sign for westbound traffic on the east-west drive in conjunction with "Do Not Block Intersection" signage to control congestion and lane blockage. Also, the barrier median should be removed from between the outbound left turn and right turn lanes consistent with the petitioner's traffic consultant's recommendation.

Mr. Sbiral advised Staff maintains some site circulation concerns which may negatively impact existing areas primarily associated with the main, high-volume entry-exit point and its intersection with the perimeter road. In addition, the overall site circulation pattern may need to be revisited in the future to help ensure its safe and efficient operation for all users of the center.

With regard to the landscape plan, Mr. Sbiral stated the Village Forester reviewed the proposed landscape plan and indicated the proposed species and design is acceptable; however, serious consideration should be given to additional plantings to help screen the utilitarian back (east and north) sides of the facility as well as to enhance the site and Center overall.

Mr. Sbiral concluded the Staff Development Team has reviewed the petitioner's request and concurs to recommend the Plan Commission consider forwarding a positive recommendation to the Village Council in response to the petitioner's request subject to the conditions listed in the Staff Report.

Chairman Jirik asked if there was anyone who wished to speak for or against this petition. There was no response, and Chairman Jirik declared the public participation portion of the meeting closed.

Chairman Jirik asked if there were any questions from the Plan Commission members. Mr. Nicholaou asked if Discount Tire had a store in Lombard on Roosevelt Road. Mr. Bertone stated there is a Discount Tire store in Lombard.

Mr. McCormick asked Staff if they concurred with the reasons the petitioner enumerated in its Statement of Support. Mr. Sbiral responded noting the only exceptions are the ones shown in the Staff report. Mr. McCormick asked for clarification that there are two issues as part of this petition; one is the approval of the Special Use and the second is Final Plat of Subdivision approval. Mr. McCormick asked if the traffic concerns fall under the Special Use recommendation or the Final Plat recommendation.

Chairman Jirik stated there is a request to create a new lot and then in consideration of that the Special Use would be applicable to that new lot. Chairman Jirik pointed out an existing lot is being diminished so in essence two properties are being affected. Chairman Jirik complimented Staff on its thorough report and expressed appreciation for the circulation, site and traffic issues that were raised. He raised several questions with regard to policy, enforceability and responsibility. Chairman Jirik noted that if the subdivision is approved, the existing parcel would be reduced in size, and a new parcel created. Chairman Jirik questioned how a future proceeding would be convened should something be needed in terms of the traffic. He wondered if a stronger motion with a one-year timeframe to revisit the traffic issues might be appropriate.

Mr. Nicholaou commented the proposed lot is in a dead zone corner. For those people who use that center and leave Home Depot heading directly towards Golfsmith, it is very difficult to exit because cars come streaming around the corner. Mr. Nicholaou noted he has used the Discount Tire store in Lombard several times, and his experience there was that it is not a high traffic volume generator. They do a lot of business, but there are only a small number of cars there at any given time. It is not like Home Depot, which has a large volume of cars entering and exiting. Mr. Nicholaou agreed any motion should state that the traffic issue should be looked at one year from now because of the Golfsmith corner and what the petitioner's traffic volume might add to the overall center.

Chairman Jirik asked Staff if the gravity of the situation would merit an additional concern included in the motion with regard to a specific time frame to have a site circulation study completed. He further asked if something more formalized would be appropriate in light of the concerns.

Mrs. Reynolds asked if this needed to be addressed within the motion. She felt the issue could be revisited at a later date upon completion of the Discount Tire facility and after an appropriate time has passed to see whether or not the traffic situation has worsened.

Mr. Matejczyk asked Staff to expand on what the concerns are. Mr. Skach indicated the Traffic Manager's report dated November 24, 2003 outlined his concerns, and those concerns were included in the Staff Development Team Report. There is a very narrow throat depth at the entrance of the shopping center. Mr. Skach commented anyone who has visited the site knows there is a potential during peak times for collision risk.

With respect to the request for subdivision, Mr. Skach advised the petitioner meets the standards for approval for final subdivision. With respect to the special use, Mr. Skach noted Staff is recommending that the Plan Commission consider forwarding a positive recommendation. Staff fundamentally believes the special use requirements have been met with the conditions as outlined in the Staff report to be included as part of the Plan Commission's recommendation.

With respect to the traffic concerns, Mr. Skach stated he was not sure that Staff could elaborate any more on what has been clearly articulated in the Staff Report. The Traffic Engineer has indicated he will continue to monitor the traffic situation at this site. Mr.

Skach advised the Village would be looking for the petitioner to acknowledge the traffic situation and if the petition goes forward and gets approved, then over the course of time the Village will need to see how the site traffic operates. Mr. Skach pointed out Staff wanted to reserve the right as part of these discussions and for the record to come back and revisit traffic and re-circulation issues with the property ownership. Staff is looking for the petitioner to say that they want to do the right thing here. Mr. Skach noted the petitioner's traffic consultant made some recommendations regarding the medians. Mr. Skach stated there is a clear indication that the petitioner is willing to work with the Village on this. Whether or not the Plan Commission wants to put an additional condition in the motion is at its discretion. Mr. Skach indicated Staff does not object to that.

Mr. McCormick quoted Section 28-1903 "The Village Council may impose such conditions and safeguards upon the premises benefited by a special use as may be necessary to prevent injurious effects there from upon other property in the neighborhood..."

Mr. Stark stated, when the Plan Commission makes a recommendation to the Village Council, it is not just a thumbs up or a thumbs down. It is thumbs up with these caveats. If the petitioner can maintain what Staff is telling us, then this meets our approval. Mr. Stark commented he was not so concerned about the petitioner's property but rather what we are losing from the Home Depot property. Mr. Stark indicated his experience with the Home Depot lot is that in the spring, Home Depot puts a lot of the garden supplies and plants, etc. in the parking lot. They have in excess of 100 parking spaces over what is required, but he wanted to know how many parking spaces are used for garden display. Mr. Stark asked if this new lot were to be approved, would Home Depot still maintain the Code required number of parking spaces. He also wanted to know if the garden material placed in the parking lot in the spring is counted as extra retail space. Mr. Stark questioned if they make their store larger by bringing garden merchandise outside, do they need to have more parking because the square footage of their retail space has increased.

Mr. Skach commented the current Code does not provide for expansion of that particular use. The key aspect is that there are perpetual and reciprocal access parking agreements required. Someone going to Home Depot can park in the Discount Tire lot and vice versa.

Mr. Stark again asked for clarification as to whether the square footage under roof is what the parking requirements are based upon or is it the square footage including the display yard next to it, the outdoor retail garden center.

Ms. Browne responded, in theory, they should be applying for a temporary use permit to conduct their retail sales outside. Ms. Browne stated the Code Enforcement Department is the Department that issues such permits. Home Depot should be submitting a site plan that shows the required parking spaces and their proposed outdoor sales area as part of the temporary use permit application to prove they are not using their required parking

spaces per Code for outdoor sales. Ms. Browne noted there is a time limit imposed on temporary use permits.

Mr. Stark indicated he sees a problem that when Home Depot knocks on the door for a temporary use permit, they will by placing garden materials outside have used up all of their required parking spaces and will have changed the traffic patterns. The plat presented does not reflect what in fact happens when the seasons change.

Mr. Stark next asked the petitioner where snow would be placed as part of the plowing operation. He noted if there is a lot of snow, they might run out of parking spaces because the snow is usually pushed somewhere on the parking lot causing a loss of parking spaces.

With regard to snow removal, Mr. Mosher responded there is quite a lot of room in the green space between Butterfield Road and the parking lot for the snow from a two to three inch snowfall. If there is a snowfall of two feet, any commercial parking lot will run out of room to stockpile the plowed snow. Many commercial snowplowing services will pick up the snow and deposit in a detention pond. Mr. Moser pointed out there is a detention pond at the back of the Home Depot lot. Mr. Moser commented all the business owners in a shopping center share in the cost of snow removal.

To clarify the parking space issue on the Home Depot lot, Mr. Mosher advised after the subdivision there would still be 47 additional spaces over and above what the Code requires. As background information, Mr. Mosher stated this was one of the first Home Depot stores in the Chicago-land area so the Downers Grove Home Depot was built with a gigantic parking lot. There are probably 50 stores in the Chicago area now, and the parking demand at the Downers Grove store has diminished. Home Depot now has excess property, and Discount Tire is looking for a site in this area. Mr. Mosher stated Home Depot has 47 spaces they can utilize for their garden center and still retain the required number of parking spaces per Code.

Mr. Stark noted for the record that no representative from Home Depot is present at this hearing.

Chairman Jirik noted Home Depot and Discount Tire have cooperatively reached agreement. Chairman Jirik read draft language for the concern to be added to the motion. "Within 18 months of the opening of Discount Tire, that the Village may request that the two lot owners cooperatively contract an independent traffic consultant to conduct a traffic study."

Mr. Skach noted the Parking and Traffic Commission, which is staffed by the Village's Traffic Engineer Dorin Fera, could review the traffic situation on this site. Mr. Skach advised all the property owners would have to work cooperatively on the traffic issue. Mr. Nicholaou suggested changing the words "may request" to "reserves the right".

Chairman Jirik explained his proposed language would grant the ability to pursue but would not mandate that it be done. Chairman Jirik expressed the opinion that the Village should have the ability to pursue this matter if necessary.

Mr. Mosher pointed out for the record that the use and the amount of traffic generated by Discount Tire is very minimal in comparison to the other uses within the shopping center. A conservative estimate of the on-site traffic was an additional six percent of the trips coming in and out of the site on an average basis. Mr. Mosher stated that assumes people are coming to the site specifically to buy a set of tires or get a tire changed rather than coming to Home Depot. Mr. Mosher asked, if 18 months from now it were deemed necessary to have a traffic study and implement any proposed changes, how would the costs be handled? Chairman Jirik pointed out if a representative of Home Depot had been present this evening, perhaps some of these details could have been worked out.

Chairman Jirik explained currently we do not have a dysfunctional traffic situation, but we do have a potentially challenged traffic situation. The lot owner today has that situation, and the lot owner today will benefit by selling off some additional land. Chairman Jirik expressed the opinion that the act of creating a diminished lot, which benefits that lot owner, gives the Village some jurisdiction to have that lot owner look at the traffic. The Village does not want to add marginally to an increasingly dysfunctional situation. Chairman Jirik noted as both lots are in play, let's not move so far past this that 18 months from now when we have a problem, there is disagreement as to who pays for what. If the minutes do not reflect a definite future course of action, there would not be any enforceability. Chairman Jirik asked if this were granted and the Discount Tire Store built, what authority does the Village have to ask that the traffic situation be studied to determine if changes need to be made. At that point, the Village would have lost control, and the traffic may be marginally degraded. Chairman Jirik suggested because the lot is being changed, this is a good time for the owners to address the traffic concerns.

Mr. Mosher asked the Chairman if he was suggesting that the improvements that were recommended in the traffic analysis and are listed as part of Staff's Condition No. 2 be deferred for 18 months. Chairman Jirik said no. Mr. Mosher asked for further clarification. He asked if the Chairman were suggesting that, in addition to those improvements, the Village would want to take a further look at the traffic situation. Chairman Jirik responded his understanding is that with those improvements listed in Condition No. 2, there were still circulation concerns and potential issues down the road. There are items to be addressed now, and with the new configuration and stability of the new business, there may still be some concerns that need to be studied. Chairman Jirik stated he and the Plan Commission members want to have a process by which the Village does not lose control and can go back at a later date and address any concerns if necessary.

Chairman Jirik asked Staff if there were any alternative mechanisms that could be utilized. Mr. Skach responded as the Village's Traffic Engineer points out in his memo attached to the Staff Report with regard to conditions of approval; correction of the aisle arrangement, clarification of the circulation on the north side of the Discount Tire

building and modifications including signage and the intersection with Butterfield Road. The Traffic Engineer also articulated longer-term concerns, which Staff does not object to, and there is a mechanism to look at them through the Parking and Traffic Commission. Mr. Skach noted there is a Staff member particularly suited to handle those issues.

Chairman Jirik suggested the Plan Commission could recommend that the Council consider adding a provision that would firmly clarify how this could be addressed. He indicated that may be a way to move this forward. Without all the parties present this evening and with a limited amount of time to work these issues out, this alternative would allow time to work this out. The Village Council and the Mayor would be aware of the issue. If they felt it merited firm language, hopefully, all the parties would be present, and the details could be worked out.

Mr. Mosher asked would there be time limits imposed such as 12 months after the store is fully operational, the petitioner would report back to the Parking and Traffic Commission. Chairman Jirik noted there would have to be some sidebar discussions between the parties. Mr. Mosher suggested such sidebar discussions be held prior to Village Council approval.

Chairman Jirik asked if there were any further comments or questions. Mr. McCormick asked if there would be two recommended approvals; one for the final plat of subdivision and one for the special use. Mr. Skach advised any motion to approve the petitioner's request would consist of the final plat of subdivision and the special use.

As there were no further comments or questions, Chairman Jirik called for a motion.

MOTION: WITH RESPECT TO FILE NO. 2008, A PETITION SEEKING ONE, FINAL PLAT APPROVAL FOR THE RESUBDIVISION OF THE HOME DEPOT SUBDIVISION AND TWO, A SPECIAL USE FOR AN AUTOMOBILE REPAIR FACILITY (TIRE INSTALLATION AND REPAIRS OPERATED IN CONJUNCTION WITH RETAIL TIRE SALES), MR. MCCORMICK MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. ALL PLANS SHOULD BE COORDINATED AND BE CONSISTENT WITH RESPECT TO THE PROPOSED DESIGN PRIOR TO VILLAGE COUNCIL CONSIDERATION.**
- 2. COMPLIANCE WITH ALL PUBLIC WORKS/ENGINEERING REQUIREMENTS/CONDITIONS OUTLINED IN THEIR MEMORANDUM DATED NOVEMBER 19, 2003, INCLUDING BUT NOT LIMITED TO ALL CONDITIONS OF APPROVAL FROM THE TRAFFIC DIVISION AND RECOMMENDATIONS IN THE PETITIONER'S TRAFFIC CONSULTANT ANALYSIS DATED NOVEMBER 11, 2003, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

3. EXECUTED, PERPETUAL AND RECIPROCAL EASEMENT/ACCESS AGREEMENTS BETWEEN ALL PROPERTY OWNERS IN THE CENTER MUST BE OBTAINED AND RECORDED WITH THE PLAT OF SUBDIVISION.
4. LOADING/UNLOADING OPERATIONS, INCLUDING REFUSE, SHALL OCCUR ON SITE AND SHALL NOT OBSTRUCT OR HINDER SAFE PARKING AND SITE CIRCULATION FOR VEHICLES AND PEDESTRIANS WITHIN THE CENTER.
5. ALL STORAGE OF TIRES, REFUSE, OR OTHER MATERIALS SHALL OCCUR INSIDE THE FACILITY IN APPROPRIATE ENCLOSURES AT ALL TIMES.
6. SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS FOR THIS PETITION AND COMPLIANCE WITH ALL APPLICABLE CONDITIONS AND RECOMMENDATIONS AS PART OF THE ORIGINALLY APPROVED PRELIMINARY AND FINAL SUBDIVISION PER PC 987, RES. NO. 96-71 AND PC 992, RES. NO. 97-4.
7. THE PETITION FOR A SPECIAL USE MEETS THE STANDARDS SET FORTH IN SECTION 28-1902, STANDARDS OF APPROVAL UNDER THE ZONING ORDINANCE AS THE EVIDENCE ESTABLISHES THE FOLLOWING:
 - (a) THAT THE PROPOSED USE AT THAT PARTICULAR LOCATION REQUESTED IS NECESSARY OR DESIRABLE TO PROVIDE A SERVICE OR A FACILITY WHICH IS IN THE INTEREST OF PUBLIC CONVENIENCE AND WILL CONTRIBUTE TO THE GENERAL WELFARE OF THE NEIGHBORHOOD OR COMMUNITY.
 - (b) THAT SUCH USE WILL NOT, UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE, BE DETERMINAL TO THE HEALTH, SAFETY, MORALS, OR GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE VICINITY OR INJURIOUS TO PROPERTY VALUES OR IMPROVEMENTS IN THE VICINITY.
 - (c) THAT THE PROPOSED USE WILL COMPLY WITH THE REGULATIONS SPECIFIED IN THIS ZONING ORDINANCE FOR THE DISTRICT IN WHICH THE PROPOSED USE IS TO BE LOCATED OR WILL COMPLY WITH ANY VARIATION(S) AUTHORIZED PURSUANT TO SECTION 28-1802 OF THE ZONING ORDINANCE.
 - (d) THIS IS ONE OF THE SPECIAL USES SPECIFICALLY LISTED FOR THE DISTRICT IN WHICH IT IS TO BE LOCATED.
8. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.
9. THE PLAN COMMISSION ALSO RECOMMENDS THAT THE VILLAGE COUNCIL CONSIDER SUCH FURTHER ACTION AS THEY

**MAY DEEM NECESSARY OR APPROPRIATE PERTAINING TO
STAFF'S CONCERNS WITH REGARD TO TRAFFIC.**

MR. STARK SECONDED THE MOTION.

Chairman Jirik suggested the following language for No. 9 “that the Mayor and Council consider the need and appropriateness of establishing a formal means to go about requiring a future traffic study as necessary and appropriate implementation of remedial traffic measures if so necessary and indicated appropriately allocated between the various lot owners”. Chairman Jirik commented the Plan Commission is advising the Mayor and Council that they should consider the need to establish such a condition as part of the granting of the Special Use.

Mr. Skach suggested what might be beneficial is that a little more specificity be included in this supplemental condition, something along the lines of “The Plan Commission recommends that the Mayor and Council consider this condition to have Staff revisit the traffic issue 12 months after the facility opens”. He explained Staff has a concern that an open-ended suggestion to consider the traffic issues does not give the Mayor and Council a basis to act as a de facto Plan Commission.

Mr. Nicholaou suggested that the condition read “The Plan Commission recommends that the Village Council implement the mechanism to review parking and traffic flow of the center one year from the opening of the Discount Tire store”.

Chairman Jirik suggested another variation. “In recognition of the information presented to the Plan Commission regarding traffic and circulation issues, the Plan Commission recommends that the Mayor and Council consider establishing an executable or enforceable approach to assure, should it be needed, that studies to address these issues can be paid for and conducted, and if necessary and appropriate, with measures indicated from those studies, implemented at the cost of the property owners.”

Mr. Nicholaou pointed out we now have four different versions of Condition No. 9.

Mr. Stark suggested the Commission could accomplish this by general comments in the record rather than have this part of the actual recommendation. Mr. Stark opined that the Plan Commission can either say thumbs up or thumbs down to the petition as written. Adding amendments to the petition is outside the Commission’s purview. Mr. Stark stated the Plan Commission can make comments, and the Village Council can read those comments and then legislate any action.

Chairman Jirik emphasized that the Plan Commission can amend a motion, and Mr. Stark agreed. Chairman Jirik stated if the Plan Commission felt strongly enough to recommend that a study be done and paid for by the property owners, a condition of granting the subdivision and special use could state “within 18 months the petitioner shall come back with a new traffic study”. Chairman Jirik pointed out he did not have strong feelings that it would be necessary to put such language into the motion; however, it might be

beneficial to reserve the right should it be necessary. Mr. Stark commented it sounds as though the Plan Commission members are on the same page.

Mr. Nicholaou advised the petitioner the Plan Commission does not have a problem with a Discount Tire store on this site, but the Commission wants to make sure the Village is protected if a year from now there is a traffic issue. He pointed out the Village Council has the right to take a look at the traffic issue.

Chairman Jirik asked Mr. Skach if the Village has authority to come onto private property and tell the property owners to correct a traffic situation because of the increase number of accidents in the parking lot of the shopping center. Mr. Skach responded the Village Attorney would have to provide an opinion on the legality of that. The Village certainly has the authority to exercise its discretion to intervene indicating that the Village is aware of a traffic problem and at minimum would strongly urge some actions be taken to correct the traffic problem. Mr. Skach commented the main opportunity to facilitate a correction would be as a part of a pending petition. Mr. Skach again noted there is a formal mechanism to have such issues heard through the Parking and Traffic Commission.

Chairman Jirik also emphasized a pending petition is the opportunity to at least reserve the right to address such issues.

For clarification, Chairman Jirik asked if it was the intent of the Plan Commission for the motion to include the advisory language to the Council. The Plan Commission members agreed.

With no further questions regarding the motion or its intent, Chairman Jirik called for the vote.

ROLL CALL:

AYE: Mr. McCormick, Mr. Stark, Mr. Kahlke, Mr. Matejczyk, Mr. Nicholaou, Mrs. Reynolds, Chairman Jirik

NAY: None

The motion passed unanimously.

Chairman Jirik explained the Plan Commission's recommendation would be forwarded to the Village Council. Staff will advise the petitioner as to when this matter will be placed on a Council Workshop agenda.

Because of the change in Plan Commission meeting day and location, Chairman Jirik asked the Recording Secretary to call the Plan Commission members on Monday, January 19, 2004 to remind them of the meeting that evening.

Mr. Skach advised a notice about the change of meeting day and location would also appear in the Village Corner in The Sun newspaper.

Mr. Nicholaou recalled the November 4, 2003 minutes reflected that the Chairman wanted to discuss some procedural matters at this meeting. Chairman Jirik commented, because initially there were three items on this evening's agenda, he did not include procedural matters on the agenda.

As there was no further business, Chairman Jirik called for a motion to adjourn. **MR. MCCORMICK MOVED TO ADJOURN THE MEETING, AND MR. NICHOLAOU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:45 p.m.

C: M. Millette, Assistant Director Public Works-Engineering
J. Hall, Development Engineering Manager