

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, MAY 2, 2005, 7:30 P.M.

Chairman Jirik called the May 2, 2005 meeting of the Plan Commission to order at 7:30 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mr. Quandt, Mrs. Rabatah, Mr. Waechtler

ABSENT: Mr. Griesbaum

STAFF

PRESENT: Keith Sbiral, Director of Planning; Alice Dornan, Recording Secretary
Chairman Jirik indicated the first order of business was to approve four sets of minutes.

MARCH 7, 2005 MINUTES. Chairman Jirik's arrival time was 7:50 p.m. not 8:50 p.m.
MINUTES WERE APPROVED WITH THE NOTED REVISION, ON MOTION BY MR. NICHOLAOU, SECONDED BY MR. MC CORMICK. MOTION CARRIED BY VOICE VOTE OF 7-0.

MARCH 14, 2005 MINUTES. **MINUTES WERE APPROVED AS PRESENTED ON MOTION BY MR. MC CORMICK, SECONDED BY MRS. RABATAH. MOTION CARRIED BY VOICE VOTE OF 7-0.**

APRIL 4, 2005 MINUTES. Chairman Jirik noted on page 1 of the minutes to remove his first name from the "Present" heading. **MINUTES WERE APPROVED, WITH NOTED REVISION, ON MOTION BY MRS. RABATAH, SECONDED BY MR. WAECHTLER. MOTION CARRIED BY VOICE VOTE OF 7-0.**

APRIL 14, 2005 MINUTES. A correction was noted on page 1, first paragraph, last sentence: Delete "consideration for approval of rezoning of the downtown" and insert "consideration for approval of a Zoning Map Amendment for the Rezoning of the downtown." **MINUTES WERE APPROVED, WITH NOTED REVISION, ON MOTION BY MR. QUANDT, SECONDED BY MR. NICHOLAOU. MOTION CARRIED BY VOICE VOTE OF 7-0.**

Chairman Jirik reviewed the procedures for the Plan Commission public hearing and read the oath to those individuals who would be speaking on behalf of File Nos. PC-12-05, PC 13-05, and PC 14-05, noting all three hearings will be Plan Commission recommendations to the Village Council.

FILE NO. PC-12-05 Petition seeking approval of a Lot Split to include lot width exceptions. Property located on east side of Lyman Avenue, approximately 120 feet south of the intersection of Blanchard Street and Lyman Avenue, commonly known as 5733 Lyman Avenue, Downers Grove, Illinois. Petitioner: Adam Schuhmacher. Owners: Adam and Ann Marie Schuhmacher.

Mr. Keith Sbiral reviewed the Staff report explaining the Petitioners are seeking a lot split and requesting an exception from Chapter 20, *Subdivision Ordinance*, and an exception to allow lot

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widths less than the minimum required 75 feet for both proposed lots. The location of site was identified in the R-3 district, noting all adjacent property east, northeast and south of Lyman Avenue was zoned R-3. Property on the west side of Lyman was zoned R-4. The Future Land Use Map designated the area as residential, single-family, 0 to 6 dwelling units per acre, which is consistent with what is currently there. If split, the lots would retain the R-3 zoning designation with density allowed at 2.4 units per acres. The parcel is located on the east side of Lyman and is 120 feet by 301 feet with an area of 36,210 square feet. The lot is proposed to be split into two, 60 feet by 301.75 feet lots, each having an 18,105 square foot area. The lots will not have the minimum lot width of 75 feet as required by Code and will require an exception of 20%.

Mr. Sbiral noted sites on the east side of Lyman Avenue vary from 65 feet to 200 feet in width with no clear pattern. On the west side of Lyman Avenue, lots were consistently smaller at approximately 50 feet. The Public Works Department indicated in its April 28, 2005 memorandum that a complete stormwater management analysis will be necessary prior to any permit issuance. Final wetland delineation and flow calculations have not been completed. Mr. Sbiral noted review criteria were provided in the Staff report to determine whether the exceptions were appropriate or not. Should the Plan Commission consider a favorable recommendation to the Village Council, Staff recommended adding the three conditions from the Staff report to the Plan Commission's recommendation prior to any building permit and an additional condition be added stating that the existing house on the lot would have to be demolished prior to any additional construction on the lots. A Plat is available should questions be raised by the Commission.

Mr. Nicholaou questioned the wording in Staff's recommendation as it relates to the requested action, wherein Staff clarified the Commissioners were not granting the request but making a recommendation to the Village Council, and Mr. Sbiral would note the clarification prior to forwarding the recommendation to the Village Council. Typically, if there were no exceptions, the Plan Commission would have the final say on this matter; however, since there are exceptions being requested, the Village Council has to review and make the final decision. Staff proceeded to read off the lot width for the property to the south of the parcel, which was 65.6 feet, and was the narrowest lot as noted by Mr. Waechtler. Discussion followed as to the difficulty in comparing the site to other properties zoned R-3, and Mr. Waechtler noted that Staff should have provided the calculations on the map in order for the Commission to determine consistencies or inconsistencies of the properties as they relate to the petition. Mr. Sbiral proceeded to read off the dimensional figures from his map of those lots on the east side of Lyman and the west side of Fairmount for comparison purposes. It was noted only one lot on Fairmount had a 60 foot width.

Staff again clarified it was up to this Commission to forward either a positive or negative recommendation and that Staff had no specific recommendation because the neighborhood was unique and had no specific consistencies. Chairman Jirik proceeded to clarify Staff's recommendation to the attending public.

Mr. Waechtler asked whether the Commission should have any concern about wetlands, drainage issues, etc. on this request, wherein Mr. Sbiral stated he spoke to Stormwater Staff about the project, who felt the overland flow and stormwater issues were such that no additional work would be required prior to the Plan Commission meeting. Where there are no problematic wetland issues or stormwater issues, the Stormwater Staff asked the Petitioner to provide a five-

foot easement along the side of the property and a 10-foot easement to the rear of the property, which the Petitioner provided in the submittal. Staff indicated anything done on the lot, whether split or not, would be subject to the DuPage County Stormwater Management regulations and permitting through the Village. There is no reason to believe structures could not be constructed on the site.

Chairman Jirik opened up the meeting to the public.

Petitioner, Mr. Adam Schuhmacher, 5733 Lyman Avenue, Downers Grove, reiterated he was present to request the split with the lot width exception for both lots. He did speak with some of his neighbors many of whom supported the split and are present this evening. Additionally, he responded to the five criteria for an exception and reviewed his responses, noting that he did not believe the character of the area would be altered. He believed the two lots would be consistent with other recent lot splits in the area and would possibly improve the value of his neighbors' properties.

Mr. Ron Weiss, 5725 Lyman Avenue, Downers Grove, stated he resides north of the property and does not see any negative impacts to splitting the lot. Referring to the character of the neighborhood, Mr. Weiss pointed out the layout of the homes on Fairmont were completely different, and this petition would not impact the neighborhood coming down Lyman Avenue. He believed the site, as compared to the 50-foot wide lots, was not applicable because the contrast was what existed across the street. His lot is 122 feet wide.

Mr. Phillip Balsamo, 5741 and 5747 Lyman Avenue, Downers Grove, owns the two adjacent lots to the south and noted the lots on the block were decreasing in size but were equal or larger than what was located on the west side of Lyman. He believed there were no aesthetic issues with the petition and splitting of the lot would not affect the neighborhood negatively.

Dr. Gordon Goodman, 5834 Middaugh Avenue, Downers Grove, asked about the location of the current house on the parcel since it was not referenced and asked if the house could be modified so that only part of the house could be removed. He also noted Staff's condition of "demolishing" the house may not be the correct condition for Staff's recommendation, and it was not originally brought up in Staff's recommendation and the matter may need more thought. In conclusion, he also supported Mr. Waechtler's request that the Commission have the map figures for adjoining lots as well as the petition. He stressed the importance of having representation of existing structures on the property before a recommendation is made by the Plan Commission. He suggested the Commission continue the matter until a full Staff report was available and to clarify his point about preserving the existing structure to meet conformity.

Mr. Sbiral stated the house sat at the south side of the lot and did extend north beyond the 60 foot line which would require demolition per Code and before the lots could be split. However, language in the Code referenced that a building be "removed or relocated" but the word "modify" could be considered. The issue was that if a lot was going to be subdivided, the existing structure could not violate a setback regulation in the Zoning Code. Per Staff, if the building were designed to meet the Zoning Code on the lot, there would not be an issue of having it removed or altered.

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Mr. Donald Schwartz, 4728 Montgomery Avenue, Downers Grove, suggested that the Commission determine whether any wetlands issues existed first before demolishing the house, wherein the Chairman explained it was not the purview of the Commission to review that matter. It was the Petitioner's risk if wetland issues existed. Mr. Schwartz pointed out the proposed lot would be the smallest lot on that side of the street and asked the Plan Commission to put in an exception for an adjusted setback so that the houses on the smaller lots do not take up so much of the lot and dwarf the lot. He also asked for information on how to get on the Plan Commission's agenda.

Chairman Jirik indicated under current Code, equal treatment would be granted to the lot depending upon its zoning.

Chairman Jirik closed the public comments portion of the meeting. No further comments followed from the Commissioners or the Petitioner. Petitioner had no closing statement.

As a common thread in discussions, Mr. Matejczyk pointed out neighborhoods are not necessarily defined by streets or zoning maps, which is the case in the current petition, and needs to be considered.

For clarification to the Petitioner, Mr. Nicholaou explained a Petitioner can state in the public record whether he or she wants to tear down a building and would not be held to it. Petitioner Schuhmacher stated that if the split were to occur, his tentative plan is to tear down the current house, sell the other lot and build a new house.

Mr. Waechtler indicated to Staff his understanding was that the lot splits on the west side of Lyman existed for many years. Staff explained lots between 55th down to 59th show as one subdivision of 50-foot lots, which was done as the very first subdivision on the tax assessment map page. Mr. Sbiral did not have a specific date but estimated it prior to 1960. The lots were platted as 50-foot lots, and no recent activity existed except for a reconfiguration at the corner of Blanchard and Lyman, which resulted in two lots that fronted Blanchard.

Mr. Waechtler further clarified there have been no lot splits west of Lyman, inferring that the 100 foot lots were split into 50 foot lots, therefore, to justify the Petitioner's request. Staff was not aware of any.

Mr. McCormick commented that he visited the site, and the lots were larger on the one side of Fairmount. Mr. Nicholaou said he foresees future splits occurring. Mr. Waechtler believed the current request pushed the limit; however, when viewing the neighborhood, he saw the development trend occurring as well as the trend occurring in the entire village toward smaller lots, which is not a concern. He saw the home that could be built as a positive for the neighborhood. After further review of the matter, his initial concerns were alleviated.

Mr. McCormick recalled a prior split near the Tollway, wherein the neighborhood factor was taken into consideration very highly. Having driven around the neighborhood, he believes the current request is consistent with the neighborhood

Mr. Quandt concurred with prior Commissioners' comments and had a difficult time justifying why it was not consistent. He inquired by splitting the lot did it grandfather in any type of

setback requirements, wherein Staff indicated it did not, and once both lots were split they would be subject to the Code for R-3 lots at the time of permitting. For the record, Staff clarified that two lots across the street may have looked like one lot but were actually two, and the Plan Commission did not see the petition before them because they were platted lots at some prior time.

Mr. Nicholaou also commented he was favoring the Petitioner's request because he heard supporting testimony from his neighbors on both sides of his property.

Chairman Jirik shared his thoughts about the petition indicating it could be viewed one of two ways. One, the petition could be viewed by looking at the general vicinity and realizing that 50% of the parcels were 50 foot wide lots, while the other 50% were wider than 50 feet, and two, viewing the R-3 neighborhood and noting what exists today lies at one end of the bell curve; i.e.; not many 120 foot wide lots exist, while creating the change, one creates something at the other end of the bell curve. Lastly, as to creating a recommendation that provides for flexibility, Chairman Jirik recalled in the past this Commission conveyed that there will be no future building permits issued until the conformity of any structures is achieved and that the conformity is documented. Regarding the recommendation, the Chairman felt that with this particular case, the Village could maintain the necessary authority and the necessary assurances with the careful wording of a recommendation.

Mr. Waechtler pointed out 11 lots along the east side of the line were 100 feet or more and assumed some of those lots would be split. Nine lots were 75 feet or more; two lots were 70 feet or more; one lot was 67.5 feet and four lots were 65 feet. He explained in the past the Commission had been allowed to view the character of the neighborhood. However, about a year ago he recalled the Plan Commission denying a lot split of less than 75 feet for each lot on Fairmount Avenue due to the character of the neighborhood. In this case, he felt the character of the neighborhood was important to preserve, noting the request was for R-3 zoning. He believed the character of the neighborhood would be damaged if the request were granted and did not recommend approval. Additionally, he was not sure if the Plan Commission heard from all of the neighbors.

Further discussion followed on how the Village Council and the Plan Commission viewed subdivisions and the creation of 60-foot wide lots and the controversy surrounding the topic. Mr. Waechtler believed it was time for the Plan Commission to make a decision that it would not create 60-foot wide lots. Mr. Nicholaou also conveyed his frustration in trying to make a decision.

Per Staff, there are a handful of 60-foot wide or less lots on the east side of Fairmount. Staff briefly commented the 50-foot lots west of Lyman have appeared stable with little reconfigurations. However, in the area between Lyman and Fairmount, there were some changes on the east side of Fairmount and much more movement.

Mr. Matejczyk pointed out in the past if there were lots splits that were very controversial, the residents attended the meeting, which was not the case with this Petitioner.

The Chairman proceeded to break out his calculations of the various lot sizes and reiterated his prior comments about how the petition could be viewed in two ways.

Mr. Waechtler noted of the 28 lots listed in Staff's report, 22 were 70 feet or above. As there were no further comments or questions, Chairman entertained a motion.

MOTION: WITH RESPECT TO FILE NO. PC-12-05, PETITIONER SEEKING APPROVAL OF A LOT SPLIT TO INCLUDE LOT WIDTH EXCEPTIONS, MR. MCCORMICK MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL ON THE PETITIONER'S REQUESTED ACTIONS SUBJECT TO THE FOLLOWING:

- 1) APPROVAL OF STORMWATER MANAGEMENT REQUIREMENTS AND CONDITIONS PRIOR TO CONSTRUCTION PERMITTING;**
- 2) ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE COUNCIL APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW OF THE SUCH CHANGES;**
- 3) THE EXISTING STRUCTURE SHALL BE REMOVED, RELOCATED OR OTHERWISE MODIFIED TO ENSURE ZONING ORDINANCE COMPLIANCE PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT; AND**
- 4) IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES. SECONDED BY MR. MATEJCZYK.**

The Chairman asked Staff if it was typical to have the confirmation of the building/structures prior to recordation or prior to building permit, wherein Staff indicated it was prior to building permit. Prior to this matter going to Village Council, Mr. Waechtler asked that Staff provide a schematic of the existing property on the site; Staff concurred.

ROLL CALL:

AYE: MR. MCCORMICK, MR. MATEJCZYK, MR. NICHOLAOU, MR. QUANDT, MRS. RABATAH, CHAIRMAN JIRIK

NAY: MR. WAECHTLER

MOTION PASSED. VOTE: 6-1

Commissioners were polled on their vote:

Mr. McCormick voted in favor because of the characteristic of the neighborhood, the testimony the neighbors and the Petitioner referenced the exceptions to the Chapter 20 Subdivision Control Ordinance, which references were creditable. The bulk characteristics of the two new lots were

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72% over the required lot area of 10,500 square feet. Additionally, the lot depth of 301.75 feet was 115% over the required lot depth requirements.

Mr. Matejczyk voted in favor because the proposal was positive and enhanced the neighborhood, and the neighbors have come forward.

Mr. Nicholaou concurred with the above comments and although he initially had concerns about the 60 foot width, this proposal would fall within what is being constructed.

Mr. Quandt concurred with the above comments and believed the proposal did not alter the character of the neighborhood and was consistent with what was occurring in the area.

Mrs. Rabatah initially had concerns but voted in favor because of the adjacent neighbors supporting the proposal.

Mr. Waechtler stated he would not reiterate his above comments on why he did not support the proposal and disagreed with fellow Commissioners. He noted only two out of 25 neighbors appeared. Eighty percent (80%) of the lots on the west side of Lyman Avenue were 70 feet wide and above, and he reiterated that the Village Council struggled with the 60 foot lot width and the proliferation of the 60 foot wide lots in the village. Therefore, he felt the character of this neighborhood might be the first place to draw the line. Regarding point No. 4 in the Petitioner's letter, Mr. Waechtler clarified the Plan Commission does not make judgments on whether or not "real estate taxes generated for the subject property will substantially increase as well." Chairman Jirik voted in favor because he analyzed the petition in two ways. First, it was highly consistent with the neighborhood. Secondly, the neighbors that spoke were fine with the proposal.

(A five-minute break followed at 9:10 p.m.; the meeting reconvened at 9:20 p.m.)

FILE NO. PC-13-05 Petition seeking a Special Use for an Automobile Repair Shop with certain variations from the Code. Property located on the north side of Ogden Avenue, approximately 100 feet east of Highland Avenue, commonly known as 946 Ogden Avenue, Downers Grove, Illinois. James Russ, Attorney/Petitioner. Anthony Zangler, Senior Owner.

Mr. Sbiral briefly reviewed his Staff report, stating the petition was for an automobile repair business. The building and adjacent buildings currently exist and will continue to exist. Nothing on the exterior of the building will change. The parking lot to the north was included in a Special Use granted in 1969 for the business's parking. Per Staff, nothing has changed nor will be changed by this Commission's discussion. The interior of the building will include an auto repair shop with four service bays added to the building, as well as a small office/reception area for the A-Len Radiator shop, which is moving into the building. Access includes a back alley adjacent to the property as well as access on to Ogden Avenue. Commissioners were reminded the subject use of automobile repair language was modified in the Ordinance last year and would require one parking space for 600 square feet of building, which the Petitioner meets. The stormwater was not being altered. The Traffic Division conveyed the use of the property did not differ from what already existed, and a traffic study was not required. All fire /safety codes will be met by the time for permitting for the interior work. Signage was subject to the Sign

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Ordinance. Standards for approval for the Special Use were included in the Ordinance and standards for recommendations were included in Staff's report.

Staff believes the Standards for Special Use approval are met, and Staff recommends the Commission forward a favorable recommendation and Finding of Fact to the Village Council.

No questions followed from the Commissioners to Staff; the Petitioner's presentation followed.

Mr. James Russ, Attorney, 4915 Main Street, Downers Grove, stated he was present on behalf of the Petitioner, Mr. Anthony Zangler and on behalf of Mrs. Cynthia Seneca, owner of A-Len Radiator, who would be relocating the radiator business to the subject property should the Special Use be granted. Mr. Russ discussed the location of the site, noting that B-3 zoning surrounds the site on the east, west and south sides. R-4 zoning is located to the north. Located on the west side of the building is a car trim shop business. His client is seeking a Special Use for an auto repair pursuant to Chapter 28-1902 of the Village's Zoning Ordinance. Mr. Russ explained further the A-Len Radiator has been in business since 1978 at the southeast corner of Fairview and Ogden Avenue s and are relocating their radiator repair business to the proposed site. Hours of operation are proposed for Monday through Friday from 8:00 a.m. to 6:00 p.m. only. At the new location, no outdoor repairs will take place, and the overhead garage doors will remain closed except to allow for vehicle access in and out of the business. Any cars left overnight would be stored inside the building. Employee parking and vehicles waiting to be serviced will be parked in the north lot.

Mr. Russ reviewed the interior floor plan, noting four bays would be created with two automatic lifts constructed to Village Code and OSHA requirements.

In addressing Standard No. 1 for a Special Use, Mr. Russ indicated the A-Len Radiator shop has been in business for 27 years serving the Village of Downers Grove and other communities. The business is located further down on Ogden Avenue.

Addressing Standard No. 2 for a Special Use, Mr. Russ explained his clients have been very successful in their current location and have worked harmoniously with the surrounding area, which includes a residential area. Ogden Avenue is a commercial corridor, and this business is the type one would expect to find at this site. The operation will have a minimal effect on the neighborhood since the work will be contained inside the building and should have little or no effect on the surrounding properties.

Addressing Standard No. 3 for a Special Use, Mr. Russ clarified his client was not seeking any variations, and the parking was provided for by a Special Use in 1969 and was not being altered nor was the building's exterior being altered.

Addressing Standard No. 4 of the Special Use, Mr. Russ pointed out the use is listed as a Special Use in a B-3 zoning district.

Mr. Russ stated the green space for this site would be met. The Petitioner is providing 3,784 square feet of green space, of which 1,023 square feet are located in the front yard. The parking will include 20 spaces rather than the required 17 spaces. Mr. Russ did not foresee any issues with the business and was seeking a positive recommendation from this Commission.

Addressing some issues previously raised by a neighbor, Mr. Russ stated the rear light from the building has been adjusted so as not to shine in the neighboring properties. No drainage will be provided since no changes would be made. Mr. Russ confirmed the issues raised to Village Staff by a resident, who could not be at the meeting, have been addressed.

Chairman Jirik opened the meeting up to Commissioner comments/questions.

Mr. Nicholaou confirmed with Mr. Russ that his client was aware of the Signage Ordinance being revised. Mr. Russ indicated his client would comply with whatever was passed. Other questions and discussion followed that the proposed site was similar to the old site, but it was not a shared building. The interior bays were similar.

Ms. Cynthia Seneca, 333 Ogden Avenue, Downers Grove, owner of the A-Len business, stated she currently has six working bays and she is proposing four bays at this site. The relocation of her business is by choice.

Mrs. Rabatah inquired about the 20 parking spaces to the north, wherein Staff clarified that the business parks on the entire lot. Mr. Russ clarified the total number of required spaces for the entire building is 17, but 20 are being provided by the Petitioner, and the 20 spaces would be shared between the two businesses. Staff noted the spaces do not necessarily comply with the current Code but were approved in 1969 and are existing non-conforming spaces.

Mr. Waechtler expressed concern about the deterioration of the rear fence and suggested the Petitioner replace it with a higher screening fence. He was pleased A-Len could stay in the Village.

Since there was no public comment, Chairman Jirik closed the public comments portion of the Public Hearing. Mr. Russ had no closing statement.

Commissioners proceeded to discuss the petition. Mr. Matejczyk and Mr. Nicholaou believed there would be no negative impact from the Petitioner's request. Per Mr. Waechtler's concern, Mrs. Seneca confirmed her business did not tow in wrecked vehicles. Only disabled cars would be towed in but nothing wrecked or abandoned. No further comments followed.

MOTION: WITH RESPECT TO FILE NO. PC-13-05, PETITION SEEKING A SPECIAL USE FOR AN AUTOMOBILE REPAIR SHOP, MR. NICHOLAOU MOVED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL WITH THE FOLLOWING PROVISIONS: 1) ALL SIGNAGE MUST COMPLY WITH REQUIRED REGULATIONS AT THE TIME OF PERMIT APPLICATION; 2) 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. CHANGES MAY REQUIRE ADDITIONAL REVIEW OF THE SPECIAL USE OR VARIATIONS; AND 3) IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES. SECONDED BY MR. WAECHTLER.

ROLL CALL:

AYE: MR. NICHOLAOU, MR. WAECHTLER, MR. MATEJCZYK, MR. MCCORMICK, MR. QUANDT, MRS. RABATAH, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED. VOTE: 7-0

Commissioners were polled on their vote:

Mr. Nicholaou voted in favor and had nothing to add; Mr. Waechtler voted in favor because the business was in the village for many years; Mr. Matejczyk voted in favor and had no further comments; Mr. McCormick voted in favor because the Petitioner satisfied all four standards for the approval of a Special Use at the proposed site. Mr. Quandt and Mrs. Rabatah voted in favor because the Petitioner met all the standards for Special Use at the location, and it was nice for the business to remain in the village. Chairman Jirik voted in favor and agreed with the Commissioners' comments.

FILE NO. PC-14-05 Petition seeking an amendment to Chapter 28 *Zoning Ordinance*, Section 28.1902, *Standards for Approval* of the Municipal Code. The purpose of the amendment is to add an additional standard requiring the consideration of all Village Planning documents for the approval of the Special Use. Petitioner: Village of Downers Grove.

Mr. Sbiral indicated the proposal was a Zoning text amendment to add Standard (e), which states, "that the proposed Special Use is consistent with the objectives of the Village's Planning Documents, including but not limited to the Future Land Use Plan, the Ogden Avenue Master Plan, and this Zoning Ordinance." Per Staff, this issue was raised by the Village Council from the Plan Commission's discussion of recent cases. Because the Ogden Avenue Master Plan was referenced in discussions, the Village Council felt it might be necessary to formalize it in the Code text. Staff recommended a favorable recommendation.

Asked whether the Village's Legal Department reviewed the proposed amendment, Mr. Sbiral confirmed legal Staff did review it and suggested the proposed language in order to provide Staff and the Village Council with some flexibility. Mr. Sbiral explained in further detail how the language in the Code would provide flexibility of its intent but was not necessarily a required checklist.

Mr. McCormick believed the added language was consistent with the objectives.

MOTION: WITH RESPECT TO FILE NO. PC-14-05, MR. WAECHTLER MOVED TO RECOMMEND THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION AND FINDING OF FACT TO THE VILLAGE COUNCIL WITH RESPECT TO THE PROPOSED TEXT AMENDMENT. SECONDED BY MR. MATEJCZYK.

ROLL CALL:

AYE: MR. WAECHTLER, MR. MATEJCZYK, MR. MCCORMICK, MR. NICHOLAOU, MR. QUANDT, MRS. RABATAH, CHAIRMAN JIRIK

NAY: NONE

Mr. Nicholaou congratulated Mr. Sbiral on becoming Director of Planning for the Village of Downers Grove. He also announced Sara Lee chose Downers Grove for its headquarters.

MR. NICHOLAOU MOVED TO ADJOURN THE MEETING; MR. QUANDT SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

The meeting adjourned at 9:55 p.m.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by tape)