

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, JANUARY 9, 2006, 7:30 P.M.

Chairman Jirik called the January 9, 2006 meeting of the Plan Commission to order at 7:30 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mrs. Hamernik, Mr. Matejczyk, Mrs. Rabatah,
Mr. Waechtler, Mr. Webster

STAFF

PRESENT: Planners Jeff O'Brien and Lori Sommers; Dorin Fera, Traffic Engineering Manager;
and Alice Dornan, Recording Secretary

Chairman Jirik announced the petitioners for Agenda Items PC 03-06 and PC 04-06 have asked to open the public hearings as requested, but to continue them to a date certain, that date being February 6, 2006.

Chairman Jirik opened up the public hearing for File No. PC-03-06.

FILE NO. PC-03-06 A petition seeking rezoning from R-4, Single Family Residential to DB, Downtown Business District for property located on the West side of Main Street, approximately 150 feet North of the intersection of Main and Summit Streets, commonly known as 5338 Main Street, Downers Grove, IL (PIN 09-08-313-022); Timothy McJoynt, Attorney/Petitioner; John Patterson & Katalin Terdik, Owners.

Mr. Beggs indicated he may have possible conflicts of interest with all four cases tonight. He offered to recuse himself. Mr. Waechtler interjected and suggested that Mr. Beggs clear these types of situations with the Village Attorney. Chairman Jirik concurred with the suggestion. There being no objections, Mr. Beggs proceeded to hear the cases.

Chairman Jirik opened up the public hearing for File No. PC-03-06.

WITH RESPECT TO FILE NO. PC-03-06, MR. MATEJCZYK MOVED TO CONTINUE THE PUBLIC HEARING TO A DATE CERTAIN, THAT DATE BEING FEBRUARY 6, 2006, SECONDED BY MRS. RABATAH.

ROLL CALL:

**AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS, MRS. HAMERNIK,
MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION PASSED. VOTE: 7-0

Chairman Jirik opened up the public hearing for File No. PC-04-06.

FILE NO. PC-04-06 A petition seeking rezoning from R-4, Single Family Residential to DB, Downtown Business District for property located on the West side of Main Street, approximately 200 feet North of the intersection of Main and Summit Streets, commonly known as 5334 Main Street, Downers Grove, IL (PIN 09-08-313-021); Timothy McJoynt, Attorney/Petitioner; Adam Scott & Nicole Eber, Owners.

WITH RESPECT TO FILE NO. PC-04-06, MR. WAECHTLER MOVED TO CONTINUE THE PUBLIC HEARING TO A DATE CERTAIN, THAT DATE BEING FEBRUARY 6, 2006, SECONDED BY MRS. RABATAH.

ROLL CALL:

AYE: MR. WAECHTLER, MRS. RABATAH, MR. BEGGS, MRS. HAMERNIK, MR. MATEJCZYK, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION PASSED. VOTE: 7-0

Chairman Jirik proceeded to answer a question from the public as to when the above two hearings would be heard. Mr. O'Brien confirmed the above two items would be the first two items on the February 6, 2006 Plan Commission agenda.

Chairman Jirik next reviewed the protocol for the meeting and swore in those individuals who would be speaking on File No. PC-01-06.

FILE NO. PC-01-06 A petition seeking an Amendment to Planned Development #18 for a sheltered care facility on property located on the West side of Main Street, just South of the intersection of 73rd and Main Streets, Downers Grove, IL (PIN 09-29-110-008); Family Shelter Services, Petitioner, James J. Russ, Jr. Attorney; KRCD Corp. & DGS Associates C/O Albert Whitehead, P.C., Owners

Mr. Jeff O'Brien, Planner, explained the petitioner, Family Shelter Service, was only requesting approval of the proposed land use, conceptual site and building plans. Final engineering would be approved as part of a subsequent petition for final planned development amendment. Family Shelter Service (the "Shelter") is proposing to open a sheltered care facility for victims of domestic violence with administrative offices and counseling services. Currently the property is zoned B-2, General Retail Business and is part of Planned Development No. 18. Proposed is a one and two-story building approximately 14,900 square feet in size, which will include necessary parking, landscaping and signage. Temporary housing for up to 18 women and children will be provided in addition to the office and counseling services.

Mr. O'Brien explained Family Shelter Services is a non-profit organization that provides assistance to victims of domestic violence in DuPage County. It has three other facilities. Because the site is designated Commercial on the Future Land Use Map, staff believes the proposed use is consistent with the designation on the map. A sheltered care facility is a permitted use in the B-2 zoning district, and staff believes the proposal meets the definition of a sheltered care facility. Mr. O'Brien presented the site plan and landscaping plan. As to the curb cut on Main Street, staff is

APPROVED

recommending that the access to the property come off of the north/south frontage road. Final stormwater and site engineering plans will be approved at a later date.

Staff's findings were noted in pages 3 through 5 of the staff report. Mr. O'Brien noted staff recommended approval of the request provided that the change to the site plan is made to indicate access from the existing service drive immediately north of the subject property and the proposed curb cut on Main Street be eliminated from the plans. He stated the Standards for approval of Planned Developments and Special Uses were reviewed, and proposed development met the standards.

Per Mr. Waechtler's question, Mr. O'Brien pointed out the curb cut on Main Street that would be eliminated. Per Mrs. Hamernick's question, Mr. O'Brien pointed out on the map where the curb cut would connect to the service drive. Mr. O'Brien reviewed, in general, what uses were permitted under the B-2 zoning district.

Chairman Jirik opened up the meeting to the petitioner.

Mr. James F. Russ, Jr., Weidel, Hudzik, Russ & Phillip, 4915 Main Street, Downers Grove, attorney for the petitioner, introduced Karen Kuchar, the Executive Director for Family Shelter Services; Mr. Paul Herdina, architect for the proposal, board members; and staff from the Shelter. Mr. Russ stated on November 29, 2005, the petitioner invited and met with adjacent neighbors at the Downers Grove Park District Recreational Center to discuss this matter. At that meeting, the proposal was explained to the public, and a model of the facility was proposed at that time. Representatives from the Downers Grove and Naperville Police Departments also attended the same meeting and explained their interaction with the Shelter. One of the neighbors who lived next door to the Glen Ellyn facility also attended the November 29, 2005 public meeting and conveyed the interaction he witnessed with his community.

Per Mr. Russ, many of the concerns voiced at the meeting were safety of the neighborhood, property values and impact on the school district. As to land values, Mr. Russ restated the current uses available to the site, noting the permitted uses were more intense than what was being proposed. The size of the proposed building was smaller than what could be constructed. The main activities of the Shelter would occur during normal business hours, while some counseling would occur in the evening. Regarding the impact to the school district, Mr. Russ stated he met with representatives from the school district, and the district appeared to have no concerns on the impact. Grammar school children would attend either Kingsley or El Sierra Schools since both schools had the capacity according to School District No. 58. Older children would be placed in O'Neal Junior High School.

As to traffic, a study was performed, and the results showed a generation of 15 or fewer trips during peak hours to the facility; well below the 100 peak-hour trips threshold as required for a traffic study. Total trips in and out per day were 90 trips. According to the traffic consultant, the proposal would be classified as a "minor traffic generator."

Mr. Russ explained the petitioner would still like to explore with staff the initial entrance off of Main Street during the design of the project. The petitioner had concerns with the poor shape of the existing drive since it is used by semi-trucks for deliveries. Mr. Russ stated the petitioner preferred

to isolate the Shelter's traffic from the shopping center facility, as indicated by the owner of the property and as indicated by the traffic study.

Ms. Karen Kuchar, the Executive Director for Family Shelter Services, 605 E. Roosevelt Road, Wheaton, Illinois, discussed the history of the Shelter and explained the Shelter had three other locations: Glen Ellyn, Naperville and Carol Stream. Ms. Kuchar explained how the Shelter works with a number of police departments. She discussed the Shelter's necessary expansion of services and the fact that no other locations east of Route 53 existed. She explained the Shelter has been a member of the Partnership for Healthier Communities in Downers Grove for several years and has strong written support from the Downers Grove/Woodridge Ministerium for its presence in the community. Other partnerships and collaborative efforts followed.

Ms. Kuchar reviewed the security system for the proposed facility. She said many positive steps have been considered in the development of the landscaping plan for the Shelter. She looked forward to the ongoing coordination with the Downers Grove Police Department.

Lt. Kenneth Parcel, Naperville Police Department, 1350 Aurora Avenue, Naperville, IL, read a letter from Naperville Police Chief David E. Dial which was sent out to community leaders in DuPage County. The letter addressed how domestic violence affects all socio-economic backgrounds, and that most of those who use a shelter are fleeing from a dangerous situation. The letter discussed the need for more education regarding domestic violence and more partnering with the Troy House in Naperville. Lt. Parcel discussed his background and his own personal responses to the Troy House during certain situations. He stated the Troy House was a vital member of the community, and he asked that the Plan Commission consider the impact the Shelter will make to the Downers Grove community.

Mr. Russ reviewed how the proposal met the Special Use standards of Section 28-1902. Specifically, the facility will meet a need in DuPage County; the proposed use, as explained by Lt. Parcel, has been a benefit to the community and has worked well in their community; the proposed use will comply with all requirements of the B-2 zoning district; and the special use being requested is a permitted use under the zoning district.

Mr. Matejczyk asked for clarification of the existing service drive, wherein Mr. Russ explained how separation of truck traffic from Shelter's employees and guests would be ideal.

Chairman Jirik asked for boundaries and restrictions of the Shelter's activities, expressing concern that they could possibly change over time. Mr. O'Brien explained the Shelter's living quarters could not be converted into an apartment or a long-term living situation and based on the petitioner's other shelters, staff had no concerns that such a situation would be considered. Should the petitioner in the future request to change the facility, the petitioner would have to return through the same public hearing process. Understanding that the proposal was a planned unit development, Mr. Russ agreed there were some limitations placed on the facility already within the Village's ordinance.

Chairman Jirik also confirmed Mr. Russ's understanding that the proposed facility was for a limited use; i.e., a shelter for battered women, and would not expand or would not engage in other alternative types of treatment. Mr. Russ concurred, explaining a change in use would then be required. Mr. Russ pointed out the Shelter had a specific charter to follow.

APPROVED

Regarding security features, Ms. Kuchar explained the facility was open 24 hours, and guests were “buzzed in” the facility. A panic button is directly connected to the police department. Ms. Kuchar further explained the Naperville shelter and the other shelters did not experience any violent incidents. However, should a guest feel they were being stalked, the Shelter could relocate them to one of the other facilities or out of the County. Identity of the residents staying at the shelters remained confidential. As to vandalism at the facilities, there have been no incidences. The facilities function as residences. A community liaison police officer will be assigned to the proposed facility to provide police presence as well as to have normal interaction with the residents. Proposed are eight (8) bedrooms with one family per bedroom. Bunk beds may be used if necessary.

Lt. Parcel reported the incidences his department has responded to at the Naperville shelter are basically services-related, such as keys being locked in a car or an alarm accidentally going off. He noted officers patrol the area. As to how the facility relates to retail, Lt. Parcel explained it was very difficult to respond using statistics. However, responding to a retail business would usually involve retail theft, whereas, responding to the shelter would be locked keys, etc.

Chairman Jirik opened the meeting to public comment.

Ms. Pauline Gamble, 4823 Bryan Place, Downers Grove, voiced her and her mother’s support for the proposed shelter. She lives closely to the PADS Shelter and was not even aware of its location. No incidences have occurred there.

Ms. Shelby Vogren, 933 73rd Street, Downers Grove, lives two properties away from the proposed shelter and supports it. She believes the community needs it, and the shelter acts as a good bridge between the residential uses to the commercial uses. She noted the 73rd access drive to the site has not been well-maintained, and it has been difficult getting the management companies to respond to its maintenance. She favored the Main Street access point. She noted the benefits to the property such as the nearby bus stops, the nearby shopping centers to provide employment possibilities to the guests of the shelter, and the peace and serenity of the area. She thanked the Shelter for holding its public informational meeting with the neighbors.

Ms. Sarah Katula, 3815 Highland Avenue, was present on behalf of Good Samaritan Hospital. She currently chairs two domestic violence taskforces at the hospital. She conveyed the CEO of Good Samaritan Hospital supports the proposed shelter and the Shelter’s efforts in the community. She emphasized the importance of community support for abused women and children.

Mr. Bob Agnoli, 415 Lake Avenue, Downers Grove, talked about the common occurrence of domestic violence everywhere and stated it impacts children, employment productivity, and healthcare. As a social worker in the Chicago area, he knows services must be accessible. The proposed shelter would provide that opportunity. He stated to break the cycle of abuse, it will take law enforcement, courts, social services and the community. He supported the proposed shelter and hoped the Village and community would also support it.

Ms. Michelle Agnoli, 415 Lake Avenue, Downers Grove, reminded the commissioners and the public that they experienced domestic violence publicly two years ago with a domestic murder in Downers Grove. She supported the shelter and thanked Family Shelter Services for choosing Downers Grove.

APPROVED

Mr. Jay Meyer, 7433 S. Main Street, Downers Grove, lives across from the proposed site and has resided there for approximately 27 years. He liked the plans for the proposed shelter and expressed concern that plans being presented would actually be built. Chairman Jirik explained because the proposal was in a planned unit development no deviation could occur. Mr. O'Brien agreed and explained the plans will be attached to the ordinance that will be forwarded to the Village Council for approval. A building permit will not be issued until the drawings are presented that match the renderings, including the landscaping. Should changes occur, an amendment must be made, and the planning process must be redone. Mr. Meyer continued by stating he agreed with staff's recommendation. He expressed concern about traffic and also believed the service road should be maintained. As a suggestion, he asked if the maintenance and upgrade of the service road could be split between the current user and the new user. Lastly, Mr. Meyer asked about the installation of a playground and whether bus service would exist.

Ms. Andrea Politis, 1311 W. 67th Street, Downers Grove, stated she is an employee of Family Shelter Services, and she started as an intern working on her Masters Degree. She talked about the need to expand the services and was proud to be part of the organization.

Mr. John Elza, 7417 Main Street, Downers Grove, supported the Village's recommendation as to the entranceway to the site on 73rd Street since it would cause less traffic congestion.

Mr. Mike Busse, 5472 Bending Oaks Pl., Downers Grove, stated the proposed shelter fits and is allowed in the B-2 zoning. He preferred the proposed use versus a Jiffy Lube or other retail business. He supported the request since Downers Grove is made up of families, and the Shelter was an asset.

Ms. Linda Clevenger, 438 Lake Ave., Downers Grove, speaking on behalf of those individuals who could not attend tonight's meeting, understood the concerns of safety, the concerns of overflow in the school district and those seeking shelter who are average people. She asked that the community not turn its backs on these individuals.

Ms. Rita Kasper, 800 Oxford, Downers Grove, supported the shelter and commented on the domestic abuse she and her family experienced when they were younger. She believed the need was there. She asked the Plan Commission to approve the proposal.

Mr. Daniel Barnett stated he has resided next to the Glen Ellyn shelter for five of the past ten years. While living there, the shelter was a great neighbor. He spoke about the location of the shelter and its proximity to other uses. The shelter looked like a residence. He volunteered at the shelter and supported the request.

Mr. Bill Kribs, 1001 Barneswood Drive, Downers Grove, stated he and his wife supported the proposal. Currently he employs one of the individuals from the Naperville Family Shelter and to this day cannot locate the shelter in Naperville.

Mr. Robert Paczkowski, 7421 Main Street, Downers Grove, explained his concern was about the families and his family's lifestyle. He had a concern about driveway access. He also expressed concern that an inequitable comparison was being made. He recommended that the Plan Commission ask all the appropriate questions. He expressed concern about safety, landscaping, lighting and the facility not being "anonymous." He explained most truck deliveries were made in

APPROVED

the morning or very late at night, which was not an issue. Mr. Paczkowski voiced concerns about the Carol Stream facility closing, which would impact the proposed facility. Lastly, he had concerns about the facility expanding.

Ms. Shelby Vogren, 933 73rd St., Downers Grove, asked if the required 50 parking spaces for the proposed facility could be reduced since there would only be eight families.

Ms. Pauline Gamble, 4823 Bryan Pl. Downers Grove, noted many expressed concerns are related to the geography of the site. She noted how the issues with the Steak & Shake and Walgreens on Ogden were resolved and would hope the Commission would work out the issues raised tonight. She stated she was a victim of domestic violence and came to Downers Grove 32 years ago to escape her husband. She asked that others have the same opportunity.

Chairman Jirik closed the public participation portion of the meeting.

As to requiring the petitioner to maintain the service road, Mr. O'Brien explained prior to the Shelter being constructed, a number of steps and engineering reviews will take place which could become a requirement for final approval. Regarding the number of parking spaces allowed, 38 spaces were required by Code. He noted parking was calculated by analyzing each different use and using the appropriate parking ratios. Mr. O'Brien indicated the proposed shelter meets its parking requirement. As to lighting, Mr. Russ explained it was determined by the Village's standards.

Per a question as to whether any other site locations were considered, Ms. Kuchar stated a number of sites were considered, but her agency always knew they wanted a facility to be a combination facility. She confirmed the shelter in Carol Stream would be closing and moving its location to Downers Grove.

Per Mr. Waechtler's question and concerns from a resident, Mr. O'Brien clarified that the petitioner would be returning for final approval for the petition, since this was preliminary approval. Should the petition be approved, Mr. Matejczyk recommended that staff work closely with the petitioner to resolve either the service road being maintained adequately or that an access be provided to the property on Main Street. Mr. Waechtler, however, felt that the access to the property from Main Street provided the necessary anonymity with the landscaping around the site. Chairman Jirik believed it was important to maintain the service road, commenting it could be an opportunity for leverage. He believed the service road entrance provided better anonymity.

Mr. Webster called attention to the fact that there was a sign for the shelter, and the concept of "anonymity" was irrelevant to the way the building was sited and the orientation of the driveway. While he agreed with the concept of pressuring the owner to maintain the service road and for the petitioner to work out the access to their facility, he supported using the service drive.

Mrs. Hamernik believed the Village could address the maintenance of the 73rd Street service entrance currently since there was a property code in place and enforceable. She did not believe it was fair to make Family Shelter Service pay for the maintenance of the road when it should be the owner. She also pointed out any other commercial B-2 use coming before the Village would want a Main Street curb cut. Mr. Waechtler concurred and believed the Village needed to get property codes in order, and the Main Street curb cut was necessary.

WITH RESPECT TO FILE PC-01-06, COMMISSIONER BEGGS MADE THE FOLLOWING MOTION: BASED ON THE SUBMITTED PETITION AND THE TESTIMONY PRESENTED, THE PROPOSAL COMPLIES WITH THE STANDARDS REQUIRED BY THE DOWNERS GROVE ZONING AND SUBDIVISION ORDINANCES; AND, THEREFORE, I MOVE THAT THE PLAN COMMISSION FIND THAT THE FINDINGS INCLUDED AS PART OF THE STAFF REPORT BE THE FINDINGS OF THE PLAN COMMISSION AND THEREFORE, I RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF THE PRELIMINARY PLANNED DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #18 ASSOCIATED WITH PC 01-06 FOR A SHELTERED CARE FACILITY, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PETITIONER SHALL FILE A PETITION FOR A FINAL PLANNED DEVELOPMENT AMENDMENT TO PLANNED DEVELOPMENT #18 NO LATER THAN ONE (1) YEAR AFTER VILLAGE COUNCIL APPROVAL IF SAID APPROVAL IS GRANTED. IF A PETITION IS NOT FILED WITHIN ONE (1) YEAR, ANY APPROVALS GAINED FROM THIS PETITION FOR A PRELIMINARY PLANNED DEVELOPMENT AMENDMENT SHALL BE NULL AND VOID.**
- 2. THE SITE PLAN SHALL BE REVISED TO INDICATE ACCESS FROM THE EXISTING SERVICE DRIVE IMMEDIATELY NORTH OF THE SUBJECT PROPERTY. THE PROPOSED CURB CUT ON MAIN STREET SHALL BE ELIMINATED FROM THE PLANS.**
- 3. ALL ISSUES AND CONDITIONS OUTLINED IN THE PUBLIC WORKS MEMORANDUM DATED DECEMBER 1, 2005 SHALL BE ADDRESSED IN THE PETITION FOR FINAL PLANNED DEVELOPMENT AMENDMENT APPROVAL.**
- 4. ALL ISSUES AND CONDITIONS OUTLINED IN THE FIRE PREVENTION MEMORANDUM DATED OCTOBER 3, 2005 SHALL BE ADDRESSED IN THE PETITION FOR FINAL PLANNED DEVELOPMENT AMENDMENT APPROVAL.**
- 5. 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 SUBDIVISION AND/OR EXCEPTIONS; AND**
- 6. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES.**

COMMISSIONER MATEJCZYK SECONDED THE MOTION.

Mr. Waechtler recommended that staff and the petitioner discuss the issue of the Main Street curb cut and that staff address the maintenance of the 73rd service road with the current owner.

Additionally, Chairman Jirik asked that Fire Prevention and Public Works also review the plans in a timely fashion before final approval takes place.

ROLL CALL:

**AYE: MR. BEGGS, MR. MATEJCZYK, MRS. HAMERNIK, MRS. RABATAH,
MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

(The Plan Commission recessed at 9:55 p.m. and reconvened at 10:05 p.m.)

FILE NO. PC-02-06 A petition seeking Special Use approval for a drive-up window for property located at the northeast intersection of Ogden and Saratoga Avenues, commonly known as 1148 Ogden Avenue, Downers Grove, IL (PIN 09-05-115-008); Tracy Kasson, Rathje & Woodward, Attorney/Petitioner; Sav-On Realty, Inc., Owner.

Chairman Jirik swore in those individuals who would be speaking on File No. PC-02-06. Mrs. Lori Sommers, Planner, explained the petitioner, Jewel Foods, is requesting a Special Use in the B-3 District for a drive-through facility. The property is located at the northeast corner of Ogden Avenue and Saratoga Street. The drive-through will be located at the west end of the store along Saratoga. Operating hours will be 8:00 a.m. to 10:00 p.m. Monday through Friday; 9:00 a.m. to 6:00 p.m. Saturday; and 9:00 a.m. to 5:00 p.m. on Sunday. The proposal meets the planning documents of the Village, complies with the Zoning Ordinance and also incorporates key components of the Ogden Avenue Master Plan. The Village's traffic division found the traffic study submitted by the petitioner to be acceptable and noted all deliveries will be using Saratoga and Ogden Avenue in lieu of the driveway along Ogden Avenue for safety purposes. Staff recommended the Special Use be approved based on the technical issues outlined in the Public Works memorandum dated October 4, 2005; the Fire Prevention Division requirements as outlined in their October 3, 2005 memo; and any conditions as discussed.

Mr. Tracy Kasson, Attorney, Rathje & Woodward, 300 E. Roosevelt Road, Wheaton, IL, discussed the redevelopment of the 55,000 square foot Jewel site, explaining construction was nearing completion with opening expected by April 2006. The petitioner is seeking to provide a drive-through facility for the pharmacy. One drive-up window with two drive-through lanes will be provided for stacking of seven cars. No additional trips will be added to the roadway system. Low volume speakers are to be used, and no headlight glare would exist due to the fence on the north property line.

Mr. Kasson walked through the Standards for Special Use noting the drive-through was a convenience for sick customers or customers retrieving medicine. The drive-through provided minimal trips located adjacent to Saratoga. The site would provide for adequate circulation and bypass areas. Drive-throughs existed in other nearby B-3 districts. The drive-through complied with Village code and no variations are being sought. The use is specifically allowed in the district.

Mr. Matejczyk asked about specific language identified in Mr. Kasson's September 12, 2005 letter as it refers to an Illinois Supreme Court ruling, wherein, Mr. Kasson explained the Plan Commission must determine certain circumstances that are unique and different generated by a

specific Special Use as located anywhere else within a similar zone; i.e., the B-3 District. The Court clarified that Special Use requests were not rezonings.

Mr. Waechtler asked about a missing Appendix B document received from the Illinois Department of Transportation which discusses the elimination of a western curb cut on Ogden and providing for the eastern curb cut. Another concern of his was why the initial project did not come before the Plan Commission for review. Continuing, Mr. Waechtler explained the difficulties of turning left onto Ogden Avenue in the immediate area of the site. He asked for clarification of the truck deliveries, wherein Mr. Kasson explained truck deliveries would occur on the east side of the building.

Mr. Don Dixon, Gewalt Hamilton Associates, the civil engineer for the project, addressed IDOT Access Memo (Appendix B), recalling that the memo established the criteria from initial conversations with IDOT as to the spacing of the driveway off of Ogden Avenue and established the fact that IDOT wished to close the driveway closest to the intersection due to spacing problems. As a result, Mr. Dixon's firm addressed those issues with IDOT and the Village of Downers Grove, and adhered to the Access Memo and obtained the IDOT permit. As to the three entrance/exit lanes on Ogden being addressed, Mr. Dixon explained his office and IDOT did discuss the matter, and it was at the recommendation of the Gewalt Hamilton traffic study that the separate exiting movements be allowed to avoid the stacking of cars. Mr. Dixon was aware that there was a No Left Turn sign for the original two lanes. However, Mr. Dixon believed these lanes would alleviate the stacking problem.

Mr. Dixon further explained the truck movement on the site, explaining Jewel will have to provide the signage for the trucks. Small panel truck deliveries will be made on the east drive off Ogden Avenue. Mr. Matejczyk expressed concern as to how the truck traffic would be regulated, noting the area had much traffic congestion and stacking. Sight lines were another concern.

Mr. Kasson reiterated that the request before the commissioners was for the drive-through facility, and the property was zoned B-3 for a number of years, which was why the entire project did not come before this commission.

Mr. Peter Theodore, project architect, explained the history of this project. He explained the reasoning behind the loading dock area and the fact that there was no expectation for trucks to enter from Ogden Avenue. In fact, the petitioner worked closely with Charter Bank to make sure that the grades and access worked. Mr. Theodore emphasized that a new fence and a significant amount of landscaping was being provided to shield the neighbors from view and noise.

Chairman Jirik proceeded to bring the discussion back to the drive-through request. In response the stacking question, Mr. Theodore explained the stacking was more than comparable to other sites, and there was no conflict in the stacking.

Chairman Jirik expressed concern about cars exiting the drive-through and asked why staff did not position the curb cut further south on Saratoga so that cars had a better sight line. Mr. Webster noted the drive is aligned with the Chase Bank driveway.

Mr. Dorin Fera, Village of Downers Grove Traffic Engineering Manager, stated he worked with the petitioner on several options for the driveway. However, in discussing the matter currently with

APPROVED

the petitioner, he agreed it was an unusual location to have a pick-up and saw the Chairman's point about the sight lines. He suggested this specific matter be a refinement in the application, explaining the drive-through stop sign could probably be located further south to give cars a wider view on their left. As an aside, Mr. Fera gave his opinion on the three-lane curb cut on Ogden Avenue.

Chairman Jirik opened up the meeting to the public. No public comment was received.

In closing, Mr. Tracy Kasson reiterated the drive-through request would not cause any adverse impact to the immediate or surrounding areas and he asked for this commission's support.

The commissioners appeared comfortable with the drive-through request.

WITH RESPECT TO FILE PC-02-06, MRS. HAMERNIK MOVED THAT THE PLAN COMMISSION FIND THAT THE FINDINGS INCLUDED AS PART OF THE STAFF REPORT BE THE FINDINGS OF THE PLAN COMMISSION AND THEREFORE, I RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF THE SPECIAL USE ASSOCIATED WITH PC 02-06 FOR THE SUBJECT PROPERTY, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. COMPLIANCE WITH ALL OTHER TECHNICAL ISSUES OUTLINED IN THE PUBLIC WORKS MEMORANDUM DATED OCTOBER 4, 2005.**
- 2. COMPLIANCE WITH ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED OCTOBER 3, 2005; AND**
- 3. 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.**

MRS. RABATAH SECONDED THE MOTION.

ROLL CALL:

Several commissioners recommended that the Village Council carefully review the Ogden/Saratoga intersection, specifically the east driveway on Ogden.

AYE: MRS. HAMERNIK, MRS. RABATAH, MR. BEGGS, MR. MATEJCZYK, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 7-0

OTHER BUSINESS:

Mr. Waechtler read a prepared statement into the record.

APPROVED

“In the past several years there have been two major projects that were not brought before the Plan Commission and should have been presented by a petitioner. This oversight was not the fault of the current Planning staff or previous staff under the supervision of Keith Sbiral.

The first project to be addressed is the Jewel teardown and rebuild at Ogden and Saratoga Avenues. This project should have come before the Plan Commission for the following reasons:

(1) Magnitude of project and different footprint; (2) Increased square footage (from 39,023 square feet to 55,102 square feet); (3) Driveway changes (ingress and egress) and traffic direction; (4) Impact on other commercial businesses and residents (5) the effect on traffic court just north of the project; (6) Landscaping review; (7) The parking and traffic flow of the parking lot; (8) delivery truck traffic flow and unloading; and (9) the subsequent drive-through pharmacy could have been done in one package and brought through the commission as one package.”

Continuing, Mr. Waechtler stated the BP teardown and renovation at Main and Ogden never came before the Plan Commission. In fact, BP came before the Plan Commission requesting approval for a sit-down restaurant and other modifications, which were already completed at the site.

Mr. Waechtler requested that future projects, such as the two listed above, come before the Plan Commission. He also recommended that the Traffic Commission review the left-turn lane onto Ogden Avenue going east, since panel trucks will be making right turns, which will obscure the vision of anyone making a left turn. It was a serious traffic hazard.

Secretary Alice Dornan confirmed March meeting dates with some of the commissioners.

Chairman Jirik asked that a list of the fixed Plan Commission meeting dates be a part of the February packet. Staff also confirmed that nameplates for new commissioners would be ordered.

Discussion followed on the topics to be covered in the workshop training sessions once the Plan Commission is fully staffed. Chairman Jirik suggested new members call staff with any questions regarding the packets. Mr. Waechtler suggested that Public Works staff attend the meetings to answer questions; however, Mr. O'Brien suggested that the commissioners contact staff first.

A short discussion followed on recusing oneself from a meeting.

MR. MATEJCZYK MOVED TO ADJOURN THE MEETING AT 11:05 P.M.

MRS. HAMERNIK SECONDED THE MOTION.

MOTION CARRIED BY VOICE VOTE OF 7-0.

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