

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
DECEMBER 6, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC 09-11; 1520 75 th Street – Salvation Army; Text Amendment & Special Use	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared amending Chapter 28, Zoning Ordinance, Section 28.606, B-2 District Special Uses. An ordinance has also been prepared issuing a special use for an Exterior Donation Collection Facility for the Salvation Army Resale Store at 1520 75th Street.

STRATEGIC PLAN ALIGNMENT

The Goals 2011-2018 identified *Strong Diverse Local Economy*.

UPDATE & RECOMMENDATION

This item was discussed at the November 15, 2011 Village Council meeting. Staff recommends denial of the text amendment and special use on the December 6, 2011 Active Agenda.

RECOMMENDATION

Staff recommends denial of the text amendment and special use as they are not consistent with the goals of the B-2 zoning district and standards listed in Section 28.1900. Approval of the text amendment and special use would negatively impact the appearance of the subject property. The request is not consistent with the Village’s current regulations which the Council directed staff to enforce Village-wide in 2010. In the Zoning Ordinance, second-hand stores are permitted uses *provided the use is conducted entirely within enclosed buildings*. This requirement was put in place to assure the property would maintain an attractive exterior appearance and minimize any negative affect on surrounding properties. A routine truck donation location could result in the accumulation of donated materials in the parking lot.

BACKGROUND

The petitioner, the Salvation Army, is requesting a zoning ordinance text amendment and, if amended, the required special use to allow for an Exterior Donation Collection Facility in the parking lot immediately south of their second hand store located in the Grove Shopping Center at 1520 75th Street. The text amendment would add Exterior Donation Collection Facilities as a special use in the B-2 zoning district. The text amendment would include the following conditions:

- The facility shall be ancillary to a second hand store
- The operator shall be a 501(c)(3) organization
- Only vehicles shall be used to collect donations and shall be a maximum of 24 feet long, staffed

and operated during the hours of operation of the second hand store, removed during non-business hours and located within 150 of the entrance of the store

The special use would allow the Salvation Army to operate an exterior donation collection facility pursuant to the above conditions in the proposed text amendment and subject to additional conditions in the draft special use ordinance. The petitioner's tenant space is located at the west end of the Grove Shopping Center located on the northwest corner of Lemont Road and 75th Street. Granting the request would allow a truck to be located in the parking lot during business hours for the purpose of receiving donated materials. In the case of the petitioner, the hours are 9:00 am – 9:00 pm, Monday-Saturday; Closed on Sunday. The special use would expire when the Salvation Army vacates the tenant space at 1520 75th Street.

Exterior donation collection facilities are not permitted in the Village. Second-hand stores, if conducted wholly within completely enclosed building, are listed as permitted uses in the B-2 zoning district. Because exterior donation collection operations are specifically not permitted, a truck parked outside the building for this purpose is currently not allowed. In the last two years, the Village experienced a proliferation of donation collection boxes that were placed on properties throughout the Village's commercial areas. In many cases, the donation collection boxes became nuisances because donated items would accumulate around the boxes creating unsightly conditions. As such, the Village undertook a four-month process to identify locations and have the donation boxes removed. Attempts at enforcement of the existing code on the Salvation Army donation boxes likely prompted the proposed text amendments.

The Plan Commission considered two versions of an Exterior Donation Collection Facility zoning amendment at their June 6, 2011 and September 12, 2011 meetings, respectively. The first amendment sought to allow traditional donation boxes, but this was withdrawn and replaced with the amendment to allow a truck as a *donation collection facility*. Three members of the public spoke at the June 6, 2011 hearing. The residents expressed concerns about the placement of donation collection boxes in the parking lot due to appearance and accumulation of materials outside the boxes. There were no public comments at the September 12, 2011 hearing. The Plan Commission found that the amendment was consistent with the goals of the zoning ordinance and recommended approval of the text amendment with the truck as the Exterior Donation Collection Facility by a vote of 5-4.

The four dissenting votes expressed concern that the proposed donation collection facility was not desirable and that there are other options for collecting donations inside the building. Several of the dissenting members noted that donations could be accepted at the back door, which the store currently encourages. The Salvation Army discourages front door walk-in donations and signage directs donations to the rear of the shopping center at this location where people are met, assisted and provided a receipt. Some Salvation Army storefronts and other second hand stores also offer home pick-up as an option.

Following the vote on the text amendment, the Plan Commission considered the Salvation Army's special use request. The Plan Commission found the proposed special use meet the standards in 28.1900 and unanimously recommended approval of the special use, assuming the text amendment is approved.

Staff recommends denial of the text amendment and special use as they are not consistent with the goals of the B-2 zoning district and standards listed in Section 28.1900.

ATTACHMENTS

Aerial Map

Ordinances

Staff Report dated September 12, 2011

Staff Report Attachments

Draft Minutes of the Plan Commission Hearing dated September 12, 2011

Photos submitted by Plan Commissioner

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Community Development **DATE:** December 6, 2011
(Name)

RECOMMENDATION FROM: n/a **FILE REF:** PC-09-11
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

**TO BE CONSIDERED ONLY IF
ORDINANCE AMENDING SPECIAL USE
PROVISIONS IS ADOPTED**

Motion to adopt "AN ORDINANCE
AUTHORIZING A SPECIAL USE FOR 1520 75TH
STREET TO PERMIT EXTERIOR DONATION
COLLECTION FACILITIES", as presented.

SUMMARY OF ITEM:

Adoption of this ordinance shall authorize a special use to permit exterior donation collection facilities at 1520 75th Street.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 1520 75TH STREET
TO PERMIT AN EXTERIOR COLLECTION DONATION FACILITY**

WHEREAS, the following described property, to wit:

Lot 1 in the Grove Resubdivision of Lots 1, 2, 3, 14, 15 and 16 in the Grove, being a subdivision in the south ½ of the northeast ¼ of Section 30, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat of said resubdivision recorded September 26, 1985 as Document R85-82218, in DuPage County, Illinois.

Parcel Three:

Easements for the benefit of parcel one and two for access, parking, utilities common walls and drainage as depicted by subdivision plat Document No. R84-88043 and modified by resubdivision plat R85-82218 and as set forth in the declaration recorded November 2, 1984 as Document R84-88920 which is modified by the certificate appended to the plat of resubdivision recorded as Document R85-82218. (not plotted-general blanket agreement)

Commonly known as 1520 75th Street, Downers Grove, Illinois 60516 (PINs 09-30-201-015, -028)

(hereinafter referred to as the "Property") is presently zoned in the "*B-2, General Retail Business District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.606 of the Zoning Ordinance be granted to allow an exterior collection donation facility ancillary to a Second Hand Store; and,

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing on June 6, 2011, respecting said petition and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission has recommended approval of the Special Use, subject to certain conditions; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. 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.
2. The proposed use will not, under the circumstances of the particular case, be detrimental 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.

3. 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.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. That Special Use of the Property is hereby granted to allow an exterior donation collection facility ancillary to a Second Hand Store at 1520 75th Street within the B-2 zoning district.

SECTION 2. This approval is subject to the following conditions:

1. The area around the Exterior Donation Collection Facility shall be surveyed daily and kept free of debris and unsecure, loose items.
2. The Special Use shall expire if the current tenant, Salvation Army, vacates the tenant space at 1520 75th Street.
3. The location Exterior Donation Collection Facility shall substantially conform to the specifications attached to except as such specifications may be modified to conform to Village codes, ordinances, and policies.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use is granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and or revocation of the Special Use granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

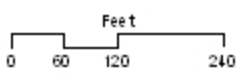
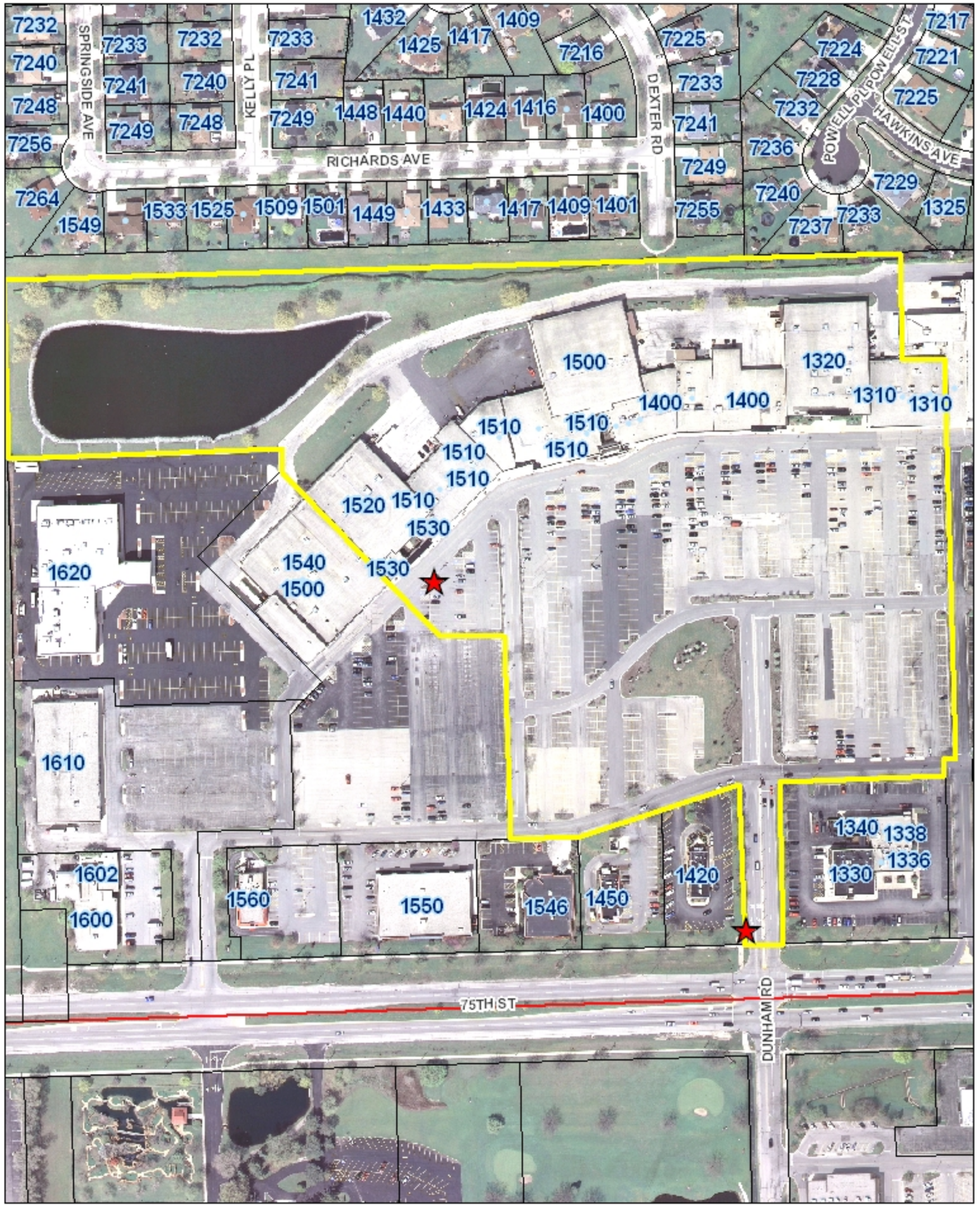
Mayor

Passed:

Published:

Attest: _____

Village Clerk



1520 75th Street

LEGEND

Property	
Sign Location	



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
SEPTEMBER 12, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-09-11 1520 75 th Street	Zoning Ordinance Text Amendment and Special Use for Exterior Donation Collection Facilities	Jeff O'Brien, AICP Planning Manager

REQUEST

The petitioner originally requested to place three (3) donation collection boxes in the parking lot at the Grove Shopping Center.

The applicant modified their request. The request for a text amendment and special use is substantially similar to the original request. This proposal would permit the petitioner to use a truck as an exterior donation collection center. The boxes would be removed and replaced with a truck that is staffed during business hours. The request continues to require an amendment to the list of special uses in the B-2, General Retail Business district, and a Special Use approval.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. *The public hearing was continued at the June 6, 2011 and August 1, 2011 Plan Commission meetings.*

GENERAL INFORMATION

OWNER: The Grove Associates
c/o Robin Realty and Management
1333 N. Wells Street
Chicago, IL 60610

APPLICANT: The Salvation Army
c/o Mitchell J. Melamed
330 N. Wabash, Suite 1700
Chicago, IL 60610

PROPERTY INFORMATION

EXISTING ZONING: B-2, General Retail Business and P. D. # 9
EXISTING LAND USE: Commercial (Grove Shopping Center)
PROPERTY SIZE: 26.5 acres
PIN: 09-30-201-015, -028

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
North:	R5A, Townhouse Residence	Residential (0-6 D.U./acre)
South:	B-2, General Retail Business &	Commercial

East:	P.D. # 9 B-2, General Retail Business & P.D. # 9	Commercial
West:	B-2, General Retail Business & P.D. # 9	Commercial

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Summary
3. Plat of Survey
4. Photographs
5. *Applicant's Revised Request.*
6. *Minutes of the June 6, 2011 Plan Commission Meeting*

PROJECT DESCRIPTION

The petitioner requested a text amendment and a special use to allow three donation collection boxes in the parking lot immediately south of the Salvation Army second-hand store located at 1520 75th Street. The Plan Commission held a public hearing for the request on June 6, 2011. The Commission continued the request to provide the applicant time to refine their request.

Based on the testimony and Plan Commission feedback at the public hearing, the Salvation Army modified their request. Salvation Army is now requesting a text amendment and special use to permit a truck in lieu of the donation boxes. The petitioner's tenant space is located at the west end of the Grove Shopping Center located on the northwest corner of Lemont Road and 75th Street. Granting the modified request would allow a truck to be located in the parking lot during business hours. The truck would be no larger than 24 feet long and would only be on the site during the hours that the Salvation Army retail store is open (9:00 am – 9:00 pm, Monday-Saturday; Closed on Sunday).

Second-hand stores, such as the Salvation Army store, are listed as permitted uses in the B-2 zoning district if conducted wholly within completely enclosed building. Because exterior donation collection operations are specifically not permitted for this use, a truck parked outside the building for this purpose would not be allowed.

The type of relief being requested remains the same. The petitioner is requesting – 1) A text amendment to add second-hand stores with exterior donation collection facilities as a special use in the B-2 zoning district and 2) a special use for the specific location of the exterior donation collection facility (truck).

Zoning Ordinance Text Amendment

As noted above, the petition requires approval of an amendment to *Section 28.606 B-2 District – Special Uses* of the Zoning Ordinance. Exterior donation collection facilities are not permitted by the Village. Specifically, the applicant is proposing to add the following language to the list of permitted Special Uses for the B-2 General Retail Business district (Section 28.606):

“Exterior Donation Collection Facilities when Ancillary to a Second Hand (Resale) Store. Such special use shall be limited to the following:

1. (The user shall be a) 501(c)(3) or other recognized charitable organizations;

2. A donation truck no larger than 24 feet in length that must be:
 - a. Manned during the hours of operation;
 - b. Must be removed during non-business hours;
3. Located on the same lot or within the same shopping center and within 150 of the entrance in which the Second Hand (Resale) Store is located; and
4. (The donation center shall have) business hours concurrent with the hours of operation for the Second Hand (Resale) or Shopping Center at which it is located.”

The placement of this language in the special use category would allow additional Village oversight on the placement of exterior donation centers. Adding an outdoor use to the special use category is consistent with the manner other exterior activities are categorized for the B-2 district. Currently, the B-2 allows the following outdoor activities: automobile dealerships, car washes, drive-through uses, aircraft landing areas and animal kennels. Most of the properties in the B-2 zoning district abut residential neighborhoods. As such, outdoor activities require special use review to protect the surrounding areas from detrimental impacts.

Per Section 28.604 B-2 District General Provisions of the Zoning Ordinance, the B-2 General Retail Business district is composed of those businesses which are normally community-wide or larger in character. The B-2 district areas are centrally located at the convergence of major traffic arteries. The uses in the B-2 zoning district generally fall between the more intense car-oriented uses, reserved for the B-3 zoning district, and smaller neighborhood establishments of the B-1 zoning district. The B-2 zoning district areas are currently concentrated around Belmont Road and Fairview Avenue Metra stations, Belmont Road and Maple Avenue, Main and 63rd Streets, 63rd Street and Woodward Avenue, and along the north side of 75th Street.

The applicant is proposing to limit this particular special use to the Salvation Army and its affiliates. In other words, if the special use is approved, it would sunset if the Salvation Army vacates its current location in the Grove Shopping Center. The truck's location would also be limited to within 150 feet of the entrance to the Salvation Army resale store.

COMPLIANCE WITH FUTURE LAND USE PLAN

The Future Land Use Plan designates the property as Commercial. The property is surrounded by commercial uses on the east, south and west sides, while a residential development abuts the property to the north. While the proposed use of a truck for an exterior donation collection center does not alter the land use characteristics of the Grove Shopping Center, staff believes allowing this use could have negative impacts to the characteristics of the B-2 zoning district. Staff believes even as special uses, exterior collection centers are difficult to regulate and have a potential for creating unsightly conditions on commercial properties.

COMPLIANCE WITH ZONING ORDINANCE

The subject property 1520 75th Street is zoned B-2, General Retail Business district and is part of the Planned Development #9. The zoning ordinance does not permit exterior donation collection facilities regardless if they are accessory to a permitted use. The petitioner is requesting to use a truck as an exterior donation collection center. The proposal requires a text amendment and a special use.

The truck would be parked in the parking lot and occupy at least one parking space. The truck would be located approximately 150 from the entrance to the store (see the attached map for approximate location). Even if additional spaces are lost, the property will continue to exceed the zoning ordinance requirement with a total of 1,125 parking spaces where 695 parking spaces are required. The proposed truck will not have an impact on the shopping center's conformance with the bulk requirements for the B-2 district.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division of the Fire Department has reviewed the proposed plans and has not noted any life-safety concerns.

NEIGHBORHOOD COMMENT

Staff has received a letter of support from Kimco Realty, the owner of the Downers Park Plaza shopping center located at the northeast corner of Lemont Road and 75th Street. Kimco Realty has indicated they support the request by Salvation Army provided the Village would allow the same type of drop-boxes on their property in the future.

Three residents spoke at the June 6 public hearing (minutes are attached). The residents raised concerns about allowing donation collection boxes. Two of the residents referenced the presence of the truck.

Staff has not received any additional neighborhood comments at this time.

FINDINGS OF FACT

Per Zoning Ordinance, second-hand stores, such as Salvation Army, are permitted uses, provided the use is conducted entirely within enclosed buildings. This requirement was put in place to assure the property would maintain attractive exterior appearance and minimize any negative affect on surrounding properties. All other uses in the district are also required to be conducted within enclosed buildings.

Exterior donation collection centers are not permitted per the Village's zoning ordinance. The Village previously experienced problems with donation collection boxes that were placed on properties throughout the Village's commercial areas. In many cases, the donation collection boxes became nuisances because donated items would accumulate around the boxes creating unsightly conditions. As such, the Community Development Department undertook a four-month process for identifying locations and having the donation boxes removed. Staff is concerned many of these same issues could arise with a truck or similar exterior donation collection facilities.

As amended, staff believes the proposed use does not meet the general provisions for the B-2 zoning district or the standards for special uses listed below. The Village requires most uses to be conducted within a building to limit potential nuisances and maintain attractive shopping areas. Staff is concerned that allowing exterior donation centers as special uses may result in a proliferation of types of uses at secondhand stores. This would create a burden on the Village's code compliance efforts.

Staff does not believe the requested relief is necessary to conduct a successful second hand store or other business. The zoning ordinance permits second hand stores, provided they are conducted within a building. A donation center is permitted for the Salvation Army, provided it is contained in the building. Allowing the use of a truck as an exterior collection center would be detrimental to the general welfare of the B-2 zoning district and is not compatible with the surrounding area. The proposal would have an adverse affect on the trend of development in the B-2 district. Further, staff believes there is no substantial difference between donating to the truck and inside the store during business hours. Therefore there is no benefit afforded to locating a truck in center especially if the truck is located in the parking lot in front of the Salvation Army's tenant space.

Section 28.1902 Standards for Approval of Special Uses

The Village Council may authorize a special use by ordinance provided that the proposed Special Use is consistent and in substantial compliance with all Village Council policies and land use plans, including but not limited to the Comprehensive Plan, the Future Land Use Plan and Master Plans and the evidence presented is such as to establish 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 detrimental 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.*
- (d) That it is one of the special uses specifically listed for the district in which it is to be located*

RECOMMENDATIONS

The request to allow the use of a truck donation collection center by adding “Exterior Donation Collection Facilities when Ancillary to a Second Hand (Resale) Store” as a Special Use in the B-2 General Retail Business District is not consistent with the intent of the Zoning Ordinance to contain all activities associate with the second-hand stores within completely enclosed buildings. Based on the findings listed above, staff recommends the Plan Commission make a motion to deny the request.

Should the Plan Commission find that the request is consistent with the intent of the Zoning Ordinance and that all standards for granting the Special Use have been met, staff recommends the Plan Commission make two separate motions, the first would be to recommend the following addition to Section 28.606 of the Zoning Ordinance:

“Exterior Donation Collection Facilities when Ancillary to a Second Hand Store. Such special use shall be limited to the following:

- 1. The user shall be a 501(c)(3) organization or other recognized charitable organizations;
- 2. Only vehicles may be used to collect donations. Such vehicle shall be:
 - a. Shall be no larger than 24 feet in length;
 - b. Staffed during the hours of operation for the second hand store for which it is ancillary;
 - c. Shall be removed during non-business hours for the second hand store for which it is ancillary;
- 3. Located on the same lot or within the same shopping center and within 150 of the entrance of the Second Hand Store for which it is ancillary; and
- 4. The donation center shall have business hours concurrent with the hours of operation for the Second Hand Store for which it is ancillary.”

A second motion should be made to recommend the special use for Salvation Army. Staff recommends including the following conditions:

- 1. The area around the donation collection facility shall be monitored daily and kept free of debris and rubbish.
- 2. The Special Use shall sunset if the current tenant, Salvation Army, vacates the tenant space at 1520 75th Street.

3. The location donation collection facility shall substantially conform to the specifications attached to except as such specifications may be modified to conform to Village codes, ordinances, and policies.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:jwo
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2011 PC Petition Files\PC-09-11 1520 75th St - Salvation Army - Text Amendment and Special Use\Staff Report PC-09-11 for June 6 meeting.doc

The Applicant requests an amendment to the Downers Grove Zoning Ordinance to permit a special use in the B-2 General Retail Business District for “Exterior Donation Collection Facilities when Ancillary to a Second Hand(Resale) Store”. Such special use shall be limited to:

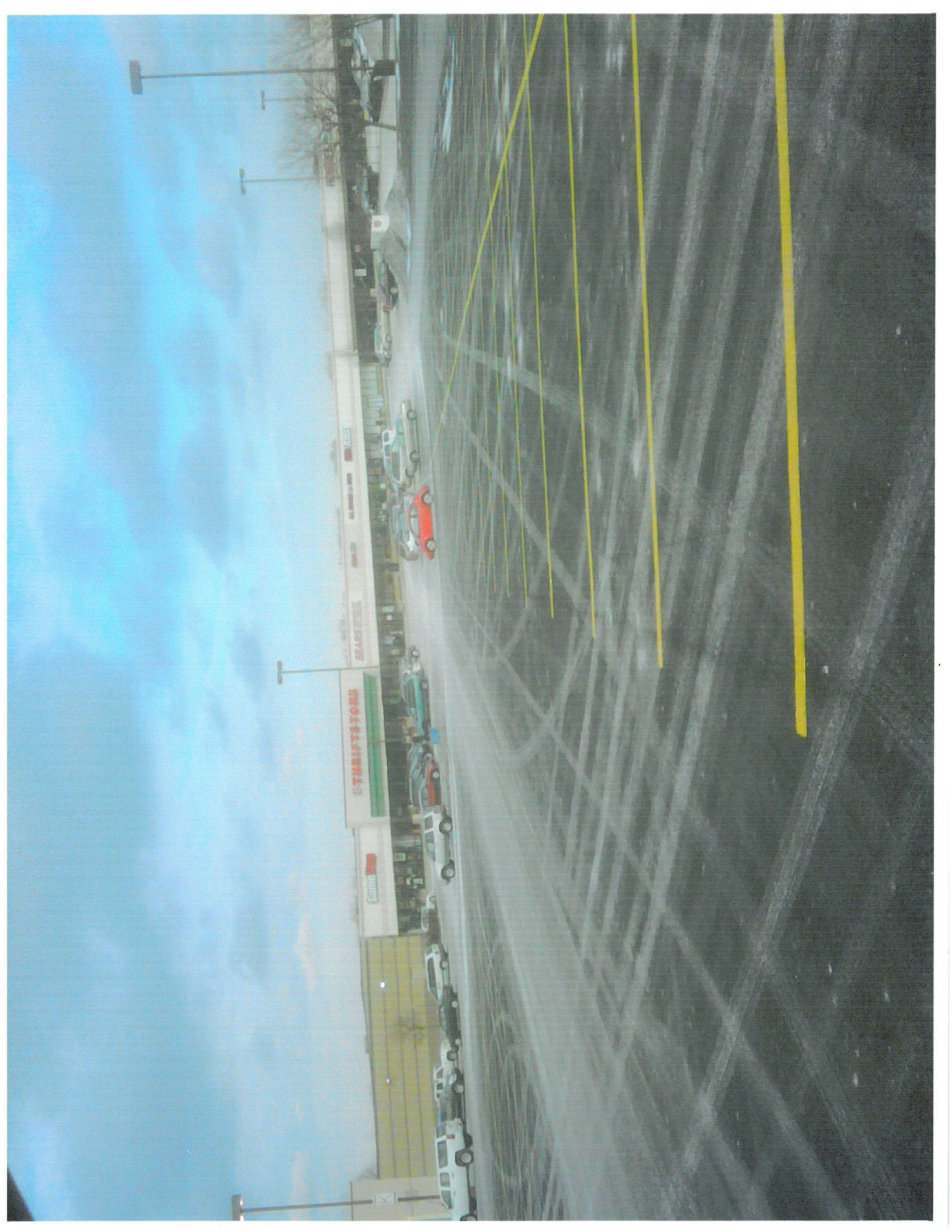
- (1) 501(c)(3) or other recognized charitable organizations;
- (2) a donation truck no larger than 24 feet in length that must be (a) manned during hours of operation and (b) must be removed during non-business hours;
- (3) a location on the same lot or within the same shopping center and within 150 feet of the entrance in which the Second Hand(Resale) Store is located; and
- (4) business hours concurrent with the hours of operation for the Second Hand(Resale) Store or Shopping Center at which it is located.

If the Ordinance is amended as above, the Salvation Army would request a special use as follows:

- (1) limited to the Salvation Army and its affiliates; and
- (2) limited to a designated area within the Shopping Center as approved by the Board.

PC 09-11 Salvation Army (1520 75th)





APPROVED 8/1/11

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

JUNE 6, 2011, 7:00 P.M.

Chairman Jirik called the June 6, 2011 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Waechtler

ABSENT: Mr. Webster

STAFF PRESENT: Community Development Planning Manager Jeff O'Brien

VISITORS: Mr. John Wendt, 1701 Concord Dr., Downers Grove; Mr. Matt Schmitz, 4817 Linscott Ave., Downers Grove; Mr. Mike Davenport, 6636 Blackstone Dr., Downers Grove; Mr. Wayne Cerve, 1134 Franklin St., Downers Grove; and Ms. Marge Earl, 4720 Florence Ave., Downers Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance. The meeting's protocol followed.

File PC-10-11 (cont'd. from 4/25/11 mtg.) A petition seeking approval of the Final Plat of Subdivision to consolidate two lots into one lot for the property located on the east side of Saratoga Avenue approximately 150 feet north of Franklin Street and on the west side of Prince Street approximately 150 feet north of Franklin Street commonly known as 4825 Saratoga Avenue and 4824 Prince Street, Downers Grove, Illinois (PIN's 09-08-107-006, -014); Jeffrey Crane, Petitioner; Jeffrey and Melanie Crane, Owners

Chairman Jirik announced that the petitioner withdrew his application. Planning Manager Jeff O'Brien, on behalf of staff, did not expect a re-application.

An unidentified resident asked if the Village would notify residents if the applicant's were to re-apply for the consolidation. Mr. O'Brien stated the residents would receive notification via mail, newspaper and signs on the property.

Another unidentified resident asked when the above petition was withdrawn to which Mr. O'Brien stated it was withdrawn late Thursday afternoon (June 2nd).

APPROVAL OF THE MAY 2, 2011 MINUTES

A correction was noted on page 1, under the first "Roll Call." Mr. Waechtler noted his last name was misspelled and that it should be corrected as "Waechtler." Staff would run a global change to correct the misspelling.

APPROVED 8/1/11

MR. MATEJCZYK MADE A MOTION TO APPROVE THE MINUTES, AS CORRECTED, SECONDED BY MR. BEGGS.

MOTION CARRIED BY VOICE VOTE OF 7-0.

File PC-09-11 A petition seeking: 1) Zoning Ordinance Text Amendment to add recycling collection drop-boxes use to the list of special uses for the B-2, General Retail Business district; and 2) Special Use approval for recycling collection drop-boxes for the property located on the north side of 75th Street approximately 1850 feet west of Lemont Road, commonly known as 1520 75th Street, Downers Grove, Illinois 60516 (PIN's 09-30-201-015, -028); The Salvation Army, c/o Mitchell J. Melamed, Petitioner; The Grove Associates, c/o Robin Realty and Management, Owner

Chairman Jirik swore in those individuals who would be speaking on File PC-09-11.

Placing the site plan on the overhead, Mr. Jeff O'Brien summarized that the petitioner, the Salvation Army, was requesting a text amendment and a special use for their store in the Grove Shopping Center at 1520 75th Street. Three (3) donation boxes were being requested by the petitioner to be placed in the parking lot, which were not allowed by the Village's zoning ordinance. Because the Salvation Army was a second-hand store, Village ordinance required its business to be conducted in an enclosed building. Box dimensions were reviewed. The boxes would occupy two parking stalls. The current location of the boxes were about 150 feet from the store's entrance and were used to collect household goods such as clothing.

Mr. O'Brien explained that the commissioners will be considering a text amendment to the B-2 Special Use list and to grant a special use. Staff felt this request should be placed in the special use category versus a permitted use category given the other uses in the B-2 district. He noted that most of the special uses in the B-2 district we uses that had some outdoor component to them. Mr. O'Brien reviewed the B-2 special use list.

Mr. O'Brien explained that staff was made aware of the proliferation of donation boxes throughout the community last summer. He noted staff inventoried approximately 55 boxes on 28 various commercial properties. Because the boxes were not allowed by code, property owners were notified to remove them. Most were removed, however, the Salvation Army specifically requested some relief to place their boxes permanently. Per staff, the Salvation Army was working with staff through this process since June of last year.

Continuing, Mr. O'Brien summarized that the Future Land Use Plan designates the property as commercial and the site is surrounded by commercial except for the north side, which has residential. Staff believes that granting the special use to allow donation boxes in the B-2 District would create unsightly conditions and be difficult to regulate, given the Village's previous experience. He indicated the boxes would meet the Village's bulk standards.

To date, staff has received written correspondence in support of the request from the owner of the Downers Park Plaza (northeast corner of Lemont Road and 75th Street). Mr. O'Brien noted the owner also requested that the same type of boxes be allowed on his property in the future.

Staff recommended that the text amendment be specific to second-hand stores on-site so that future boxes are not placed throughout the Village. Mr. O'Brien summarized some of the challenges the

donation boxes presented, i.e., boxes placed on properties without proper permission; difficulty in locating proper owners and getting them to respond to complaints; debris collecting around the exterior of the boxes, etc., which was why the staff recommendation was being tied to existing second-hand stores.

Based on staff's findings, the zoning ordinance allowed for second-hand stores and for donation collection centers to be located inside a building for a reason. Staff believed the donation boxes had the potential to create unsightly conditions and become a nuisance to enforce property maintenance codes. Staff felt the request did not meet the general provisions for the B-2 zoning district or the standards for the special use listed in Section 28.1902 of the zoning ordinance and the zoning ordinance provided the opportunity to operate a second-hand store without the use of an exterior donation box.

Mr. O'Brien noted that staff recommended denial of the request. However, he explained that should the Plan Commission be in support of the request two motions should be made: one for the text amendment and one for the special use with staff's proposed operational conditions: 1) that no more than three (3) donation collection boxes be permitted on the site; 2) that the boxes be monitored daily and kept free of debris and rubbish; 3) that the special use shall sunset when the Salvation Army vacates its tenant space at 1520 75th Street; and 4) that the location of the drop-boxes remain substantially consistent with their current location.

Mr. Matejczyk confirmed with staff that if the request was granted it would only apply to second-hand stores. He further asked as to the number of existing second-hand stores, to which Mr. O'Brien reported a few were scattered around the Village and probably less than a dozen. As to eye glass donation boxes, Mr. O'Brien noted he would have to look into that issue.

Mr. Waechtler asked staff to provide further details of Section 28-1802 to which Mr. O'Brien explained that the section focused on authorized variations, wherein there was no variation associated with this request.

Mr. Beggs asked what the difference was between the kinds of goods these donation boxes accepted and those accepted by organizations that pick up donations at a residence. Mr. O'Brien agreed the goods were identical. He explained the main difference was that the donations were being dropped off on vacant properties or in parking lots of a shopping center with little to no monitoring of them. Mr. O'Brien noted in the worst cases some of the boxes had a tendency to become full and have extra donations gather around them.

Mr. O'Brien went on to explain that the zoning ordinance does not contain provisions for these type of boxes. As such, since they were not specifically listed in the zoning district, they were considered prohibited. Currently, there was no specific allowance for an exterior donation box in any of the current districts in the Village. However, second-hand stores were permitted in the B-2 and B-3 Districts, provided they were entirely operated within a building.

Mr. Matejczyk asked if the boxes were better regulated, would the maintenance issues decrease. Mr. O'Brien explained that when the boxes were not monitored daily they ran the risk of becoming overloaded especially over weekends. He noted that most of the boxes staff identified were not associated with second-hand stores. However, Mr. Matejczyk explained that if the boxes were associated with a second-hand store, there would be a responsibility of the owner to maintain the

boxes so no such issues arises. Mr. O'Brien could not confirm whether it would be easier to monitor or not but he did believe it would be easier to go to the owner if an issue arose. Asked whether there was a history of boxes on a site with a second-hand store becoming over-filled, etc., Mr. O'Brien was not aware of any specific code violations. Instead, he noted most of the concerns came from unattended donation boxes.

Mr. Beggs recalled seeing a donation box at the gas station located at Saratoga and Ogden which became a problem, along with overloaded boxes in the Jewel parking lot.

Mr. O'Brien was of the opinion that when a box was located on the same premises as its operator, the circumstances were better, seeing that the operator could resolve the matter quickly; however, he still had concerns with the staff time associated with monitoring the boxes and enforcing the property maintenance regulations.

Mrs. Rabatah confirmed with Mr. O'Brien that the donation boxes at 63rd and Woodward were not legally located and that the space between the two boxes were allowing for individuals to drop off larger items. She asked staff that since the mechanism to pick up goods already existed, could the Salvation Army use another method to collect goods other than the donation boxes.

Mr. O'Brien clarified that the mechanism of the home pick-up was one method to collect donations. He noted that the Village allowed the second-hand store to receive donations during regular business hours, provided the collection of donations took place within the building. He indicated the Village wanted to make sure the operator has control over when and where the items were donated and in the manner in which they were received.

Dialog followed that the text amendment language clarified that drop boxes could only be located on sites where the same second-hand store existed and no such boxes could be located at a gas station. Per another question, Mr. O'Brien stated that existing and new second-hand stores could apply for a donation box request.

Chairman Jirik asked for clarification of the use in the text amendment text, specifically, "accessory to" and whether it was the controlling language that required it to be on the same zoning lot of record, wherein Mr. O'Brien confirmed it was. He noted staff was trying to make the language as less burdensome as possible.

Chairman Jirik, in observing the size of the zoning lot of record, felt that the further away the boxes were located, the more difficult it was for the business operator to manage them. Asked if there was consideration on requiring the boxes to be a certain number of feet from the physical structure, Mr. O'Brien stated this was discussed with the applicant but there were challenges to the building. As to locating the boxes within a certain number of feet, Mr. O'Brien stated it was staff's opinion that as long as the boxes were in a "relatively" close distance to the building it was fine but also that the landlord could determine the location of the boxes so as not to interfere with the other tenants.

Regarding staff's Recommendation No. 2, the Chairman suggested that the wording be more broader, such as "left free of materials left outside the boxes." Mr. O'Brien was fine with the suggestion. As to "daily monitoring" text, Chairman Jirik suggested enforcement by using a daily inspection log for verification/complaint purposes. Regarding Recommendation No. 3, the Chairman recommended the wording "...that it shall sunset if the Salvation Army terminates the

lease.” Lastly, the Chairman suggested “the Village Council *may* choose to revoke the special use ...” since the language could be harsh on the operator for the offenses of others.

For clarification purposes, Chairman Jirik, explained that the operator who has the special use would be required to make the daily inspections of the boxes, not the Village.

Mr. Beggs stated he did not see a definition of a “drop box” wherein Mr. O’Brien said the term was not defined. Dialog followed that staff could attempt to write a definition wherein, the Chairman supported the definition being drafted prior to the application going to the Village Council.

Mr. Quirk asked what mechanism would the Village have if a dumpster or box was overflowing. Mr. O’Brien explained that the business owner would be contacted to remove the waste but that sometimes a timing issue existed. In the case of non-perishable items, the owner was given 24 hours to make removal arrangements or the Village would pursue other enforcement methods such as tickets and fines. Mr. Quirk felt this matter may be better addressed by issuing a permit rather than a special use. He did not believe in imposing many restrictions on charitable organizations.

Regarding staff’s Recommendation No. 4, Mr. O’Brien confirmed that a June 6, 2011 letter in staff’s packet was actually a letter dated March 1, 2011 from the Salvation Army’s Director of Operations. Staff was asked whether the Salvation Army was asking for two donation boxes or three. Mr. O’Brien clarified the Salvation Army was trying to maintain the current number of boxes.

On behalf of the petitioner, Mr. Mitch Melamed, 330 N. Wabash, Chicago, Illinois, an attorney with Aronberg, Goldgehn, Davis & Garmisa, discussed the Salvation Army’s long history in the Chicagoland area and his many years of volunteering with the Salvation Army. Mr. Melamed explained how the Salvation Army’s retail stores support their own programs with other branches supporting addiction services and emergency services, which are federally funded. Due to decreased federal funding, he explained that the Salvation Army’s retail stores are looked upon to support those programs and their employees. As to the site under discussion, Mr. Melamed explained that the current donation boxes have existed on the site since 2008 when the Salvation Army was located on the site. Unsanitary boxes were a concern to the Salvation Army as well as individuals “dumping” goods in the evening and shopping for goods overnight. As a result, the Salvation Army decided to have donation centers within a store along with a separate entrance to address such issues. Because this site did not allow for an interior donation center, Mr. Melamed said he worked initially with staff and the landlord to locate the boxes in front of the store but they did not work due to the glass storefronts and the setback of the Salvation Army’s entrance in relation to the neighboring tenants.

Mr. Melamed stated he was not aware of any complaints at this location and the major for this branch of the Salvation Army was very particular about unsightliness. As to the suggestion of a log, Mr. Melamed believed it would be over-burdensome for the Village because if the Salvation Army was not addressing the complaint then a fine should be imposed. He suggested that if the Village had alternatives to the donation boxes, the Salvation Army was open to discussing them with the Village.

Regarding the concerns raised by staff, Mr. Melamed stated the Salvation Army was a not-for-profit organization and that other communities also required that the donation boxes be on-site with varying distance requirements. He noted that daily monitoring log was unnecessary because trucks

worked through the night to pick up items from the donation boxes. Typically, he said large furniture items were not placed near donation boxes, mainly because individuals wanted the tax donation receipt for such items. Snowplow maintenance around the boxes was not a problem. Mr. Melamed pointed out locating the boxes closer to the retail store would create a detriment to the shopping center itself and the other tenants. Mr. Melamed reiterated that no log was necessary but verbiage stating the area “had to be kept clean”, or similar language, would allow the village to enforce it if it was not.

Mr. Matejczyk, referencing the text amendment language that “no more than three donation collection boxes shall be present on a site”, asked if the number was an arbitrary number, wherein Mr. Melamed believed the text amendment should include a definition of the total size/gross area/square footage of the boxes. Asked whether the Salvation Army’s business and/or needs would be increasing, Mr. Melamed explained that over the past two years resale doubled in the Chicagoland for the Salvation Army due to the economy and the items being sold there. Mr. Melamed proceeded to explain how the items in the drop boxes were processed during the day through the rear of the store. He also explained that an interior donation center would not be possible given the configuration of the store and the store’s size. Store hours of the Salvation Army were briefly discussed, noting that holiday weekends were the Salvation Army’s best days. Mr. Melamed stated the Salvation Army was very sensitive to the community’s concerns.

Mr. Beggs announced he had concerns with authorizing a special use just because the Salvation Army was a “good organization” and that in authorizing such use, it would have to be administered with equal measures to many organizations. Mr. Melamed agreed with his concerns and explained that many communities have taken the special use and utilized it by an individual decision. He recommended that the commissioners ask themselves if this particular situation warranted a special use, citing various examples, including a library drop box.

The Chairman pointed out that Mr. Melamed stated he was willing to monitor the boxes yet objected to any documentation that the Village could use should an issue arise in the future. Mr. Melamed clarified he misspoke and said it “should be unnecessary from a Village’s perspective to have to have a log to enforce the maintenance of boxes and the area surrounding them.”

Chairman Jirik explained his understanding was that applicant would monitor the boxes to ensure cleanliness and if the Village saw a pattern where cleanliness was not being maintained, then the Village would pursue enforcement. He thought one way to resolve the complaint was for the applicant to document its daily monitoring so that the Village could validate such activity, given the past history of the lack of attention. Chairman Jirik’s understanding was that the Army would gladly pay attention voluntarily. He also believed a special use would allow the Village to require the Salvation Army to main such a record should issues arise.

Citing another concern, Chairman Jirik stated that the Major for that branch of the Salvation Army could be transferred and organization’s priorities could change. He emphasized the Commission’s charge was to protect the Village and provide the tools should an unfortunate event occur. In response, Mr. Melamed stated the Salvation Army was not opposed to keeping a log.

Responding to Mr. Waechtler’s question on the current number of boxes on site (three), if the Village wanted two on-site, it was not an issue. As to the library drop box, Mr. Waechtler

commented that the Village's secured library boxes were not comparable to the applicant's stand-alone donation boxes.

Chairman Jirik opened up the meeting to public comment.

Mr. Mike Davenport, 6636 Blackstone Drive, Downers Grove, commented about a Chicago Tribune article he read which discussed the proliferation of drop boxes in general and that most of them were for-profit. He supported the Salvation Army in general and believed the application before the commissioners was immaterial to the good work the organization provides. He believed the current ordinance did not allow the boxes that have been in use for the past couple of years. At the same time, the boxes were unsightly and recycling containers. Should the Commission decide to allow the boxes, Mr. Davenport conveyed that a number of items would need to be clarified, such as the definition of what is a drop box, a defined box size, and why were three boxes allowed. Lastly, a definition was needed for "an accessory to" in staff's recommendation. Mr. Davenport stated that when a change to the ordinance was being made, it was creating more work for the Village because it had to be enforced, monitored, and dealt with. He did not see how the change would benefit the Village.

Ms. Marge Earl, 4720 Florence Avenue, Downers Grove, stated she was very familiar with the shopping center and its donation boxes. In the last six months, because of these boxes, she has had to call at least twice due to the addition of more boxes. She agreed this matter would cause more work for staff during a time when the Village is trying to reduce the work for staff. By legalizing one box, she stated it caused people to assume they were legal and more boxes would appear. Ms. Earl pointed out that a regular Salvation Army box truck, manned by one person, sits near the Ultra Foods and takes donations. She questioned why the donation boxes were needed for the off-hours if the truck was available.

Mr. John Wendt, 1701 Concord Drive, Downers Grove, also opposed the application due to how the boxes will look in the community and the fact that they will continue to proliferate. Concern was raised that it will become a precedent. Mr. Wendt discussed his positive visit to a West Lafayette, Indiana Salvation Army location which had no donation boxes on site. He noted there was always a box truck/trailer parked in the lot and the three boxes would become a trailer forever. About two weeks ago on a Sunday evening in Darien he observed individuals unloading a stove and refrigerator out of a moving truck and placing the items next to the donation boxes. It looked "seedy" and he was afraid it would happen to the Village.

There being no further comments, Chairman Jirik closed public comment.

Commissioners had no questions for the public.

In response to questions raised, Mr. Melamed said it was unclear to him if the boxes, under his client's application, were present before the ordinance and, if so, he questioned how they could be removed, or, if the boxes were grandfathered in somehow. Regarding the mention of a Salvation Army donation truck, he queried whether it was a permitted use under the Village's ordinance, which he stated could result in being an ultimate solution. He believed that if the boxes were working and were not causing issues in this particular location, he did not believe in tying them to problems existing elsewhere. Mr. Melamed stated he has not heard any comments on his client's

location. He understood the boxes were there prior to the change in the ordinance, which he believed may have a direct impact.

Responding to Mr. Melamed's question, Mr. O'Brien explained that the ordinance permitted second-hand stores "wholly within a completely enclosed building." He noted the change in the zoning ordinance in July, 2008 was a provision which added a clause to the Rules of Construction stating the use, whether it be special or permitted, if not specifically listed in the ordinance was considered to be prohibited. In this case, activities outside the second-hand store, including a truck, would be considered outside and not in a wholly enclosed building. His understanding was that the Village issued the temporary use permit for the donation boxes with the understanding that the Salvation Army would pursue the application process, which was why the Village had documentation to continue to monitor the boxes.

Mr. Melamed stated his understanding, then, would be that a donation truck would be prohibited under the ordinance, which Mr. O'Brien agreed. Mr. Melamed believed it could then be a very good solution by having a truck on location but leave by the end of the day, leaving nothing in the area. If the Plan Commission did not believe the boxes were appropriate for a special use, Mr. Melamed questioned whether he would have to re-apply again.

In considering the text amendment process and its proper notification, the Chairman pointed out that the Plan Commission can consider "refinements and enhancements" but if a matter is substantially changed, new public notification must be done. In view of the above dialog, Chairman Jirik felt that changing from donation boxes to an on-site truck was a substantial change and he suggested that the commissioners continue the hearing to a date certain to allow staff, the petitioner and others to consider the option. However, he did not feel continuing the matter was a remedy, given the consideration may require republishing, because it was substantially different.

Mr. Waechtler asked if the petition could be voted upon and then the issue of a truck at the store location become a matter between the petitioner and staff; wherein, the Chairman clarified the petitioner would need relief for that matter also.

Further dialog followed on the timing of the issue, applicant fees and other options. Mr. Matejczyk agreed many issues were raised and needed to be reconsidered by the petitioner and staff and return to the Commission.

Mr. Beggs, however, preferred that the Commission stay on track of what it has been asked to consider. In response, however, the Chairman explained he had some questions about comments raised by the petitioner and asked the petitioner his intent, i.e., to proceed with the petition as proposed, or reconsider the petition.

Mr. Melamed stated he wanted to move forward as proposed and stated the only reason the truck comment arose was because it was raised by someone from the public.

Mrs. Rabatah voiced concern about the boxes becoming too unsightly. While she understood the enforcement of them, she raised concern about the boxes multiplying and there being no definition of a collection box. Additionally, she stated the Salvation Army had a pick-up truck for donations.

APPROVED 8/1/11

Mr. Matejczyk agreed the presence 55 collection boxes was unacceptable and needed to be eliminated; however, the service provided a public good and he did not want to see it removed from the community.

Further dialog followed among the commissioners that if the donation truck worked, then why were donation boxes being filled up. Mrs. Rabatah commented that individuals can call the Salvation Army to pick up donations. She went on to say some may use the collection boxes to get rid of items rather than pay for them to be thrown out with their garbage. She suggested that the Village review what other communities were doing.

Mr. Matejczyk felt the real issue was that the boxes were poorly regulated. Mr. Waechtler agreed with the earlier comments made by Mr. Beggs and stated many other not-for-profit charities, who do not have collection boxes, were working very well given the current economy.

Regarding the text amendment, Mr. O'Brien confirmed the comments about the definition of an exterior collection box which he believed could be drafted if the commissioners were ready to accept the petition. However, given the specific language in the zoning ordinance regarding all activities have to operate within the building, if there was a desire to pursue a truck, he said it would require staff to publish a re-notice.

Mr. O'Brien proceeded to draft an initial definition of a donation box for the text amendment: "A receptacle approximately six feet by four feet used to accept donation of household items such as clothes, small tools, small electronic appliances and the like for charitable organizations. Such receptacle must be placed on the same lot as an existing business associated with a 501.c.3 organization. Donation collection boxes may not be permanently affixed to the ground."

Refinements followed. Mr. Beggs, again, emphasized that if consideration for a definition of a collection box was necessary, it should not be drafted hastily. After some dialog, the Chairman summarized that issued at hand: the identification and size of a collection box; the eligible businesses; the ability to leverage the store; enforcement of the boxes; the proliferation of boxes; and the tightness of the definitions so that the village was not taken advantage of.

Mr. Quirk asked if this was a situation where every time a similar petition arose, it would have to appear before the Commission, wherein, the Chairman confirmed it would, for Village protection, and it would depend upon how the language was drafted.

Mr. Waechtler asked if staff's recommendation could be denied; the Chairman confirmed it could. Asked if there was recourse to the petitioner to change its petition if the Commission denied the request, the Chairman stated the donation boxes would be illegal under the ordinance. Lastly, the Chairman emphasized to the commissioners that if the request was forwarded to the Village Council as a denial, the commissioners had to have very clear findings of fact as to why the request was denied.

Mr. O'Brien felt that continuing the matter provided some time to resolve the issues raised in the above discussion and give him time to work with the petitioner. Commissioners voiced their thoughts. A question was asked if the text amendment referred strictly to a 501.c.3 only or any thrift store, wherein Mr. O'Brien clarified it would put the matter in the special use category and anyone who wanted to apply, whether for profit or not, would require appearance before the Plan

APPROVED 8/1/11

Commission and the Village Council. As to a comment made about many unresolved issues existing, the Chairman challenged whether the unresolved issues were within the scope of what was published or unresolved but unacceptable no matter how one tried to resolve them.

WITH RESPECT TO FILE PC-09-11, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION CONTINUE THE PETITION, TO A DATE CERTAIN, THAT DATE BEING AUGUST 1, 2011, TO DISCUSS THE OUTSTANDING ISSUES RAISED: DEFINITION, RESTRICTING BOX DIMENTIONS, RESTRICTING ELIGIBLE BUSINESSES. SECONDED BY MR. QUIRK.

ROLL CALL:

**AYE: MR. MATEJCZYK, MR. QUIRK, MR. COZZO, CHAIRMAN JIRIK
NAY: MR. BEGGS, MRS. RABATAH, MR. WAECHTLER**

MOTION CARRIED. VOTE: 4-3

Replying to a question about the next meeting on this petition, Chairman Jirik stated that any new information presented will have to go through the hearing process again and commissioners will have to be cognizant of the constraints that were published and what was noticed to the public. Mr. O'Brien offered to provide a full staff report of what issues were raised and highlight them. He also clarified that the Commission, at its next meeting, could make a recommendation on both the text amendment and the special use when forwarding the petition to the Village Council regardless of recommending approval or denial.

The Chairman commended the commissioners for being respectful toward each other on this matter.

Mr. O'Brien briefly announced the Comprehensive Plan will be discussed before a Village Council committee meeting on June 14, 2011, as recommended by the Plan Commission. He noted the next regular Plan Commission meeting is July 11th. He noted there were several items for that agenda.

THE MEETING WAS ADJOURNED AT 9:30 P.M. ON MOTION BY MR. COZZO, SECONDED BY MRS. RABATAH. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)



Patrick T. Rooney
Regional Property Manager

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Via Email: jobrien@downers.us

March 25, 2011

Mr. Jeff O'Brien
Planning Manager
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

RE: Public Hearing

Dear Mr. O'Brien:

We have received the public notice for the Plan Commission Hearing to discuss the approval for recycling collection drop boxes in the Grove Shopping Center. Unfortunately, we cannot attend the Hearing.

Kimco Realty Corporation is the authorized agent for the Downers Park Plaza shopping center. We would support the approval for the drop boxes provided the village would allow Downers Park Plaza would be able to install recycling collection drop boxes as well.

Sincerely,

A handwritten signature in red ink that reads 'Patrick Rooney'.

Patrick Rooney
Regional Property Manager

3/25/11 4:00 PM

10600 West Higgins, Suite 408 Rosemont, IL 60018



www.downers.us

RECEIVED
MAR 21 2011

LEGAL NOTICE:
VILLAGE OF DOWNERS GROVE - PLAN COMMISSION
NOTICE OF PUBLIC HEARING

COMMUNITY RESPONSE
CENTER

630.434.CALL (2255)

CIVIC CENTER

801 Burlington Avenue

Downers Grove

Illinois 60515-4776

630.434.5500

TDD 630.434.5511

FAX 630.434.5571

FIRE DEPARTMENT

ADMINISTRATION

5420 Main Street

Downers Grove

Illinois 60515-4834

630.434.5980

FAX 630.434.5998

POLICE DEPARTMENT

825 Burlington Avenue

Downers Grove

Illinois 60515-4783

630.434.5600

FAX 630.434.5690

PUBLIC WORKS

DEPARTMENT

5101 Walnut Avenue

Downers Grove

Illinois 60515-4074

630.434.5460

FAX 630.434.5495

DEPARTMENT OF

COUNSELING AND SOCIAL SERVICES

842 Curtiss Street

Downers Grove

Illinois 60515-4761

630.434.5595

FAX 630.434.5599

Meeting Date, Time and Location:

Notice is hereby given that a public hearing will be held by the Plan Commission at 7:00 p.m. on Monday, March 28, 2011 at the Village Hall Council Chambers, 801 Burlington Avenue, Downers Grove, Illinois. All interested parties should attend this hearing and will be given an opportunity to be heard. The hearing may be continued from time to time with no further public notice.

Request:

The purpose of the public hearing is to consider File PC-09-11 a petition seeking Special Use approval for recycling collection drop boxes for the property located on the north side of 75th Street approximately 1850 feet west of Lemont Road commonly known as 1520 75th Street, Downers Grove, Illinois 60516 (PIN #'s 09-30-201-015, -028) A locator map is provided with this notice.

Legal Description of Subject Property:

Parcel 1

Lot 1 in the Grove Resubdivision of Lots 1, 2, 3, 14, 15 and 16 in the Grove, being a subdivision in the south ½ of the northeast ¼ of Section 30, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat of said resubdivision recorded September 26, 1985 as Document R85-82218, in DuPage County, Illinois.

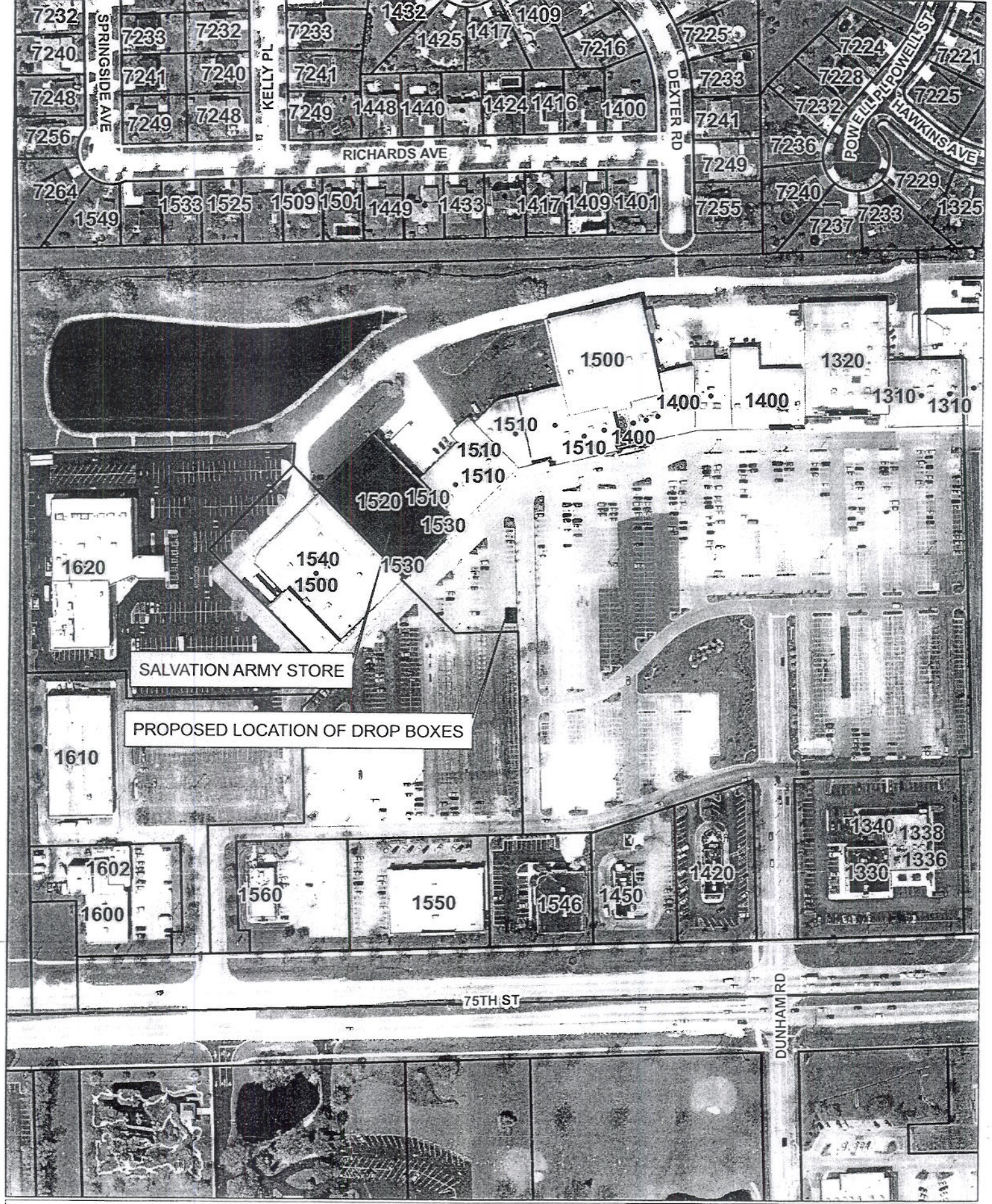
Parcel Three:

Easements for the benefit of parcel one and two for access, parking, utilities common walls and drainage as depicted by subdivision plat Document No. R84-88043 and modified by resubdivision plat R85-82218 and as set forth in the declaration recorded November 2, 1984 as Document R84-88920 which is modified by the certificate appended to the plat of resubdivision recorded as Document R85-82218. (not plotted-general blanket agreement) commonly known as 1520 75th Street, Downers Grove, Illinois 60516 (PIN #'s 09-30-201-015, -028).

Contact Information:

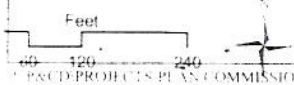
Any questions, please contact the Community Development Department at 630.434.5515. Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Public Response Center (630)434-CALL (2255) prior to the meeting. Wheelchair access may be gained through the side (South) entrance of the Village Hall by parking in the upper lot to the west of Village Hall. Plan Commission, Alan Jirik, Chairman. Published in the Downers Grove Reporter, Wednesday, March 9, 2011.

Reference: PC-09-11



SALVATION ARMY STORE

PROPOSED LOCATION OF DROP BOXES



1520 75th Street







