

APPROVED

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING

October 26, 2020, 7:00 P.M.

Chairman Rickard called the October 26, 2020 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard; Commissioners Boyle, Dmytryszyn, Johnson, Majauskas, Patel

ABSENT: Commissioners Maurer, Rollins, Toth

STAFF: Planning Manager Jason Zawila

VISITORS: Petitioner Chris Johnson, 603 Rogers Street, Downers Grove; Mr. Terry Peccara (phonetic), 965 Rogers St., Downers Grove; Mr. Michael Cassa, President and CEO of the Downers Grove Economic Development Corporation, 5159 Mochel, Downers Grove

APPROVAL OF MINUTES – SEPTEMBER 14, 2020

MOTION BY MS. MAJAUSKAS, SECONDED BY MR. DMYTRYSZYN TO APPROVE THE MINUTES OF THE SEPTEMBER 14, 2020 MEETING AS PRESENTED. MOTION PASSED BY VOICE VOTE OF 6-0.

Chairman Rickard explained the protocol for the meeting and swore in those individuals that would be speaking on the following public hearing:

PUBLIC HEARINGS

FILE 20-PLC-0019: Petition seeking a Special Use approval for an assembly and entertainment use, in order to construct one additional theater. The property is currently zoned DB, Downtown Business. The property is located directly northeast of the intersection of Highland Avenue and Warren Avenue, commonly known as 5021 Highland Avenue, Downers Grove, IL (PIN: 09-08-124-001,-002 and -020). Tivoli Enterprises, Inc., Petitioner and 603-635 Rogers, LLC, Owner

Petitioner, Mr. Chris Johnson, 603 Rogers Street, Downers Grove, indicated his business runs Classic Cinemas at 15 locations throughout the Chicagoland area including the Tivoli Theater. He discussed that heated recliners that will be offered in the proposed theater. He discussed that the 5019 space located on Highland Avenue, and next to the Tivoli, offered an opportunity to expand his business, allowing him to offer twice as many movies. He referenced the elevations on the overhead, pointing out that the building offers handicap seating in the back of the auditorium and allows wheelchair seating to be “stepped” accordingly. Mr. Johnson walked through some slides reflecting the seating that will be available.

APPROVED

Furthermore, he explained the various renovations he was planning to make to the space, saying he was going to repurpose the terra cotta on the bottom. He believed the proposal was desirable for the community. He would not exceed the existing seating capacity for the proposed space.

Chairman Rickard opened up the meeting to public comment.

Mr. Terry Peccara (phonetic), 965 Rogers St., asked if the parking lot at the southeast corner of Highland and Rogers would be affected by the new plan, wherein Planning Manager Zawila clarified that there was a condition on the approval that staff was recommending that additional landscaping be added to the lot to improve it but it would be planted next year due to the upcoming winter season. No building addition would be constructed there as part of the plan.

Mr. Michael Cassa, President & CEO of the Downers Grove Economic Development Corporation, 5159 Mochel, Downers Grove, was sworn in. He shared his support for the special use petition for the Tivoli Theater, citing the village's two full service hotels and the Tivoli were forced to close due during the pandemic due to state restrictions and the economy as a whole. He discussed the theater's importance to the downtown and the fact that the Tivoli was going to open a smaller venue to provide some form of entertainment. Because the Tivoli was such a large theater, it did not make sense to only have 50 patrons in such a large auditorium. The owners were making a significant investment and Mr. Cassa reiterated his support for the special use request.

Planning Manger for the Village, Mr. Zawila reiterated that the petitioner's request was for a special use for an additional theater within the existing building in the downtown business district (5201 Highland Ave.). The property was zoned DB (Downtown Business) and the special use was classified as Assembly and Entertainment Uses, which did require a special use. The entrance to the empty existing retail space would be removed with the facade renovated to resemble a commercial storefront display, similar to the other facades located around the building.

The property is located in the Key Focus Area within the Comprehensive Plan and focused on promoting a variety of uses, including to facilitate the economic viability of such developments, adherence to the village's landscaping/screening requirements for parking lots, utilization of attractive display windows to maintain general interest/foot traffic and coordination of architectural detail, mix of land uses, and pedestrian-oriented design. Staff pointed out the petitioner was meeting several of the bullet points that were in the village's guidelines. Details of those were shared. However, Mr. Zawila added that as a recommended condition of approval, the two theaters would not exceed the occupancy of the main theater, or 1,048 seats. Staff recommended approval of the special use.

Chairman Rickard inquired of staff the reason for limiting the seating capacity, wherein Mr. Zawila explained that parking and traffic had to be considered when reviewing special uses. Additional questions followed on how that capacity figure would be enforced, i.e., as with other buildings, Mr. Zawila said a set occupancy number is stated on the permit. He did discuss with the petitioner that any special event could not exceed the number of seats allowed in the main theater.

Mr. Johnson returned and explained that no internal construction would take place within the building. Some landscaping would be planted at the corner, avoiding sight lines. A storm water drain would also be tied in so no water pooling would take place at the corner. Mr. Johnson

APPROVED

mentioned he was trying to avoid having a parking study done, which was where the capacity figure came into play. On the bright side, he reported the Google reviews for the Tivoli were at 4.8 and he appreciated the community's support.

Commissioner comments were supportive and the petitioner was praised for "thinking outside the box" given the pandemic. With the theater able to offer two movie theaters/events, commissioners agreed it could bring more residents to the downtown. Staff was commended for thinking about traffic concerns.

Based on the petitioner's submittal, the staff report, and the testimony presented, Commissioner Majauskas found that the petitioner met the standards of approval for a Special Use as required by the Village of Downers Grove Zoning Ordinance and stated it was in the public's best interest.

WITH RESPECT TO FILE 20-PLC-0019, COMMISSIONER MAJAUSKAS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PROPOSED SPECIAL USE REQUEST FOR AN ASSEMBLY AND ENTERTAINMENT USE SHALL SUBSTANTIALLY CONFORM TO THE PLANS PREPARED BY STUDIO21 ARCHITECTS, DATED SEPTEMBER 3, 2020, ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES;**
- 2. THE BUILD-OUT SHALL MODIFY THE AUTOMATIC SUPPRESSION AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM, AS REQUIRED BY VILLAGE ORDINANCE.**
- 3. A CURBED LANDSCAPED AREA AND STORMWATER CONNECTION BE PROVIDED AT THE NORTHWEST CORNER OF THE EXISTING PARKING LOT. THESE IMPROVEMENTS WILL NEED TO BE COMPLETED NO LATER THAN MAY 15, 2021; AND**
- 4. THE CAPACITY OF THE MAIN THEATER SHALL BE REDUCED BY THE NUMBER OF SEATS IN THE SECOND THEATER, SO THAT THE OVERALL CAPACITY OF THE TIVOLI THEATER PORTION OF THE BUILDING IS NO MORE THAN 1,048 PEOPLE, THE CAPACITY OF THE MAIN THEATER.**

SECONDED BY COMMISSIONER PATEL. ROLL CALL:

AYE: MAJAUSKAS, PATEL, BOYLE, DMYTRYSZYN, JOHNSON, CHAIRMAN RICKARD

NAY: NONE

MOTION PASSED. VOTE: 6-0

Mr. Zawila announced that the Fairview Flats apartment petition was approved at the last Council meeting. Also, there will be a commission meetings on November 2, 2020 and November 16, 2020, respectively. Staff extended appreciation to the commissioners for accommodating the meeting space during the pandemic.

APPROVED

**THE MEETING WAS ADJOURNED AT 7:31 P.M. ON MOTION BY MR. BOYLES
SECONDED BY MS. JOHNSON. MOTION CARRIED UNANIMOUSLY BY VOICE
VOTE OF 6-0.**

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

**DOWNERS GROVE PUBLIC LIBRARY
BOARD OF LIBRARY TRUSTEES
OCTOBER 28, 2020, 7:30 P.M.
LIBRARY MEETING ROOM &
ONLINE VIA GOTO MEETING**

MINUTES

1. **Call to Order.** President Graber called the meeting to order at 7:30 p.m.
2. **Roll Call.** Members present: Trustee Swapna Gigani, Trustee David Humphreys, Trustee Barnali Khuntia, Trustee Kim Stapleton, President Jonathan Graber.

Trustee Carissa Dougherty arrived at 7:35 p.m.

Also present: Library Director Julie Milavec, Assistant Library Director Jen Ryjewski, Executive Assistant Katelyn Vabalaitis, Media Lab Coordinator Ed Bromiel.

3. **Welcome to Visitors.** President Graber welcomed visitors and thanked them for their interest in the library.
4. **Approval of Minutes.**
 - a. September 23, 2020, Regular Meeting. It was moved by Humphreys and seconded by Khuntia THAT the Minutes of the September 23, 2020 Regular Monthly Meeting be approved as presented. Roll call: Ayes: Gigani, Humphreys, Khuntia, Stapleton, Graber. Nays: None. Abstentions: None.
 - b. September 23, 2020, Committee of the Whole. It was moved by Gigani and seconded by Stapleton THAT the Minutes of the September 23, 2020 Committee of the Whole Meeting be approved as presented. Roll call: Ayes: Gigani, Humphreys, Khuntia, Stapleton, Graber. Nays: None. Abstentions: None.
5. **Financial Matters.**
 - a. September 2020 Financial Report. Library Director Milavec reported that the library is currently 75% through the year and over 95% of revenue has been received to date. Property tax collections came in as expected and the Illinois Public Library Per Capita Grant came in fully funded. Revenue for sales of materials and rental fees has been greatly impacted by COVID-19 but Milavec expects the library to reach 100% of its projected revenue by the end of the year. The Capital Replacement Fund had an expense this month for

- the roof core samples needed to create the specifications for next year's roofing project. The only expenditures lines significantly over budget are the maintenance supply lines, which is expected due to the extra PPE and cleaning supplies needed.
- b. October 2020 Invoices. It was moved by Stapleton and seconded by Khuntia THAT the payment of October 2020 Capital Replacement Fund invoices totaling \$1,733.15, the payment of October 2020 Operating Fund invoices totaling \$140,695.00, the acceptance of October 2020 credit memos totaling \$209.85, and the ratification of September 2020 payrolls totaling \$232,192.32 be approved. Roll call: Ayes: Dougherty, Gigani, Humphreys, Khuntia, Stapleton, Graber. Nays: None. Abstentions: None.
6. **Public Comment on Agenda Items**. President Graber invited comment. There was none.
7. **Public Comment on Other Library Business**. President Graber invited comment. There was none.
8. **New Business**.
- a. Discovery Report from RGW Consulting. The Board discussed what they thought of the Diversity, Equity, and Inclusion listening session and began a discussion on the findings in Reesheda Graham Washington's report. Library Director Milavec noted that she is meeting with Washington on November 4 for a debriefing session. The discovery report included some concrete steps to get started and one of the first steps was to create an Equity Advisory Team. The Board discussed how they would like to create the team. Milavec will report on her debriefing session at the next Board meeting to help continue the discussion.
- b. Election of Board Officers. President Graber opened the floor for nominations. Trustee Humphreys nominated Jonathan Graber for President and Trustee Gigani seconded the nomination. President Graber nominated David Humphreys for Secretary and Trustee Khuntia seconded the nomination.

It was moved by Gigani and seconded by Stapleton THAT the nominations be closed. Roll call: Ayes: Dougherty, Gigani, Humphreys, Khuntia, Stapleton, Graber. Nays: None. Abstentions: None.

It was moved by Gigani and seconded by Stapleton THAT the slate of officers be accepted as presented. Roll call: Ayes: Dougherty, Gigani, Humphreys, Khuntia, Stapleton, Graber. Nays: None. Abstentions: None.

- c. Employee Vacation Carry Over Maximum for 2021. According to the Personnel Policy, staff can carry over one prorated week of vacation each year. Library Director Milavec would like to increase the carry over to two prorated weeks for 2021. Due to COVID-19, many staff were unable to use their vacation time because of cancelled vacations as well as the need for more staffing in the library for the additional public service roles. This increase would only apply to 2021.

It was moved by Humphreys and seconded by Dougherty THAT employees may carry over one additional week of earned vacation from 2020 – 2021. Roll call: Ayes: Dougherty, Gigani, Humphreys, Khuntia, Stapleton, Graber. Nays: None. Abstentions: None.

9. Unfinished Business.

- a. Bylaws Revisions. It was moved by Stapleton and seconded by Khuntia THAT the Bylaws be amended as presented. Roll call: Ayes: Dougherty, Gigani, Humphreys, Khuntia, Stapleton, Graber. Nays: None. Abstentions: None.
- b. Library Director Evaluation Form and Process. Trustee Dougherty reviewed the proposed evaluation process, which included the Library Director Self-Evaluation, the Evaluation Form filled out by the Board, and the timeline for the full evaluation process. Library Director Milavec will complete her self-evaluation in the next couple of weeks and the Board will meet in closed session at the November meeting to discuss her evaluation.

It was moved by Khuntia and seconded by Gigani THAT the Library Director Evaluation Forms and Process be approved as presented. Roll call: Ayes: Dougherty, Gigani, Humphreys, Khuntia, Stapleton, Graber. Nays: None. Abstentions: None.

- c. COVID-19 Response and Reopening Phasing Plan. It was moved by Humphreys and seconded by Stapleton THAT the Library Director be reauthorized to continue to make temporary policy changes in consultation with the Board President and within the parameters of the COVID-19 Response and Reopening Phasing Plan as presented. Roll call: Ayes: Dougherty, Gigani, Humphreys, Khuntia, Stapleton, Graber. Nays: None. Abstentions: None.

10. **Library Director's Report**. Library Director Milavec presented her report. RAILS has rolled back their quarantine time to three days. Assistant Director Jen Ryjewski continues to work on a disaster response plan for the library. Katelyn Vabalaitis and Scott Anderson are working on formatting the policy manual.

There have been changes to dates on the Illinois Per Capita Grant application requirements and staff are continuing to work on the checklist of requirements. Milavec noted that in September, the library reached 85% of its circulation year over year as circulation statistics continue to climb. Staff have been offering many non-screen opportunities for patrons, including new additions to the Anything Emporium, the introduction of Binge Boxes, and the launch of a board game collection.

11. Trustee Comments and Requests for Information.

Trustee Humphreys commented on the RAILS quarantine change and wanted to make sure staff felt comfortable with the shorter quarantine time for materials.

12. Adjournment. President Graber adjourned the meeting at 8:51 p.m.

APPROVED

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING

November 2, 2020, 7:00 P.M.

Chairman Rickard called the November 2, 2020 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard; Commissioners Boyle, Dmytryszyn, Johnson, Majauskas, Maurer, Patel, Rollins, Toth

ABSENT: None

STAFF: Community Development Director, Stan Popovich
Planning Manager, Jason Zawila

VISITORS: None

Chairman Rickard explained the protocol for the meeting and invited staff to present its petition. Because of room occupancy limits per the IDPH's COVID-19 restrictions it was explained that the meeting was also being televised on the Village's YouTube channel and DGTv6. Public comment would be taken at the appropriate times as part of the agenda.

PUBLIC HEARINGS

FILE 20-PLC-0021: Petition seeking approval of text amendments to Sections 5, 6, 7 and 15 within Chapter 28 (Zoning Ordinance) of the Municipal Code of the Village of Downers Grove, Village of Downers Grove, Petitioner.

Planning Manager Zawila, on behalf of the Village of Downers Grove, explained that before the commissioners were text amendments related to the adult use of cannabis. With the State's passing of the 2019 Cannabis Regulation and Tax Act, it legalized the use of recreational cannabis. However, at the December 17, 2019 Village meeting, Mr. Zawila explained that the Village Board approved amendments prohibiting adult use cannabis business establishments. However, at the October 6, 2020 Village Council meeting, he reported the Village Board provided updated direction to allow adult use cannabis establishments as follows: 1) all adult use cannabis businesses require a special use in the M-1 and M-2 zoning districts; 2) the proposed amendments will allow medical cannabis dispensing organizations and cultivation centers as a special use in the M-2 restricted manufacturing district; 3) adult use cannabis business establishments will be prohibited to adjacent residential districts and will require a 1300-foot separation from day care centers; schools and parks; 4) for parity in the zoning ordinance, medical cannabis dispensing organizations and cultivation centers will be a special use in the M-2 zoning district with the separation distance of medical cannabis dispensary organizations and cultivation centers as modified so that there is parity with the adult use regulations, as presented.

As explained by Mr. Zawila, with the proposed amendments, there will be a maximum limit of three

APPROVED

dispensing organizations that can receive a special use permit. Staff did research the parking requirements used by existing cannabis facilities located throughout the State as well as communities that allowed same in DuPage County. Based on the research, Zawila said the communities did have parking requirements at a retail rate ranging from three parking spaces per 1,000 sq. feet to five parking spaces. However, additional research showed that such number of parking spaces was not enough and was insufficient for the dispensing facilities.

Staff recommended the following for parking: When the dispensary is within a shopping center or industrial campus, provide six spaces per 1,000 square feet of gross floor area along with a required parking plan. A stand-alone dispensary is recommended to have 7.5 spaces per 1,000 square feet of gross floor area along with a required parking plan. For other uses, such as cultivation centers, processors, transporters, Zawila indicated the industrial parking ratio would be used which was 1.17 spaces per 1,000 square feet of gross floor area.

For the craft grower, Zawila recommended the dispensary portion to be the rate as stated above. The cultivation area would be the industrial parking ratio of 1.17 spaces per 1,000 square feet of gross floor area. A review of a map with the M-1 and M-2 industrial areas highlighted was depicted with Mr. Zawila noting the three areas where such facilities could be located within the village with a special use.

Mr. Zawila invited questions from the commissioners.

Commissioner questions followed regarding the underlying parking standard for retail, which staff explained that if it were a multi-tenant retail center it would be 4 spaces per 1,000 sq. feet and if a stand-alone building, it would be a little bit higher than 4 spaces per 1,000 sq. feet. Per staff, a typical dispensary was about 3,000 to 4,000 square feet. Asked if a current owner could carve out a part of their business and apply for a special use, staff confirmed that it was a potential scenario. Asked if it was still feasible, based on the number of licenses available, staff mentioned that as of last month there were 74 licenses still available.

Asked if the manufacturing area near the Belmont were feasible, given the number of parking spaces, staff relayed it would have to be reviewed carefully. Staff noted that the M1/M2 districts came from Council's direction.

Chairman Rickard invited the public to comment. (No public present in the room.) Director Popovich confirmed there were no email comments either.

Mr. Zawila referenced the recommendations in staff's report, the petition to the Village Council for consideration. He stated that applicants would have to be reviewed on a case by case basis since there were special use standards that had to be considered. No comments followed.

Chairman Rickard closed the public hearing.

Further commissioner discussion followed. While there was the money aspect to allow such businesses, for the community of Downers Grove, Commissioner Majauskas noted that there were negatives: 1) the Village was a family-based suburban neighborhood -- people moved here due to the safe neighborhoods and good schools so why would the village allow such businesses to be placed in close proximity to the kids; 2) what businesses (car detailing, ultra brewing, etc.) was the Village giving up to allow such businesses -- reminding other commissioners that the existing businesses may move if a dispensary comes in; and 3) consider the Village's image. Commissioners in support stated that other income opportunities existed and the way the text amendment was written, with the 1,300 feet requirement, was favorable as compared to other cities.

APPROVED

Chairman Rickard reminded everyone that it was the Commission's responsibility to review this petition from the perspective of a text amendment and not whether the use was to be allowed or not, since that was already decided upon by the Village Council. Discussion followed regarding the required separation for a liquor store from a daycare facility, wherein Director Popovich recalled there was nothing in the zoning ordinance on the matter. However, the Chairman relayed that he was aware that there were State distance regulations that govern, possibly as close as 500 feet. Chairman Rickard was in agreement with staff's recommendation.

Based on the petitioner's submittal, the staff report, and the testimony presented, Commissioner Maurer found that the petitioner met the standards of approval for a Zoning Text Amendment, as required by the Village of Downers Grove Zoning Ordinance and stated it was in the public's best interest.

WITH RESPECT TO FILE 20-PLC-0021, COMMISSIONER MAURER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSED AMENMENT TO SECTIONS 5, 6, 7 AND 15 OF THE ZONING ORDINANCE.

SECONDED BY COMMISSIONER ROLLINS. ROLL CALL:

**AYE: MAURER, ROLLINS, PATEL, BOYLE, DMYTRYSZYN, JOHNSON, TOTH
CHAIRMAN RICKARD**

NAY: MAJAUSKAS

MOTION PASSED. VOTE: 8-1

Mr. Zawila announced that there will be a meeting on November 16, 2020.

THE MEETING WAS ADJOURNED AT 7:28 P.M. ON MOTION BY MS. ROLLINS, SECONDED BY MR. MAURER. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 9-0.

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