

APPROVED 9/14/15

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

AUGUST 3, 2015, 7:00 P.M.

Chairman Rickard called the August 3, 2015 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, Mr. Bassler, Mr. Cozzo, Ms. Hogstrom, Mr. Quirk, Mrs. Rabatah, Mr. Thoman (ex.-officio Souter)

ABSENT: Mr. Webster (ex-officios Davenport, Menninga)

STAFF: Planning Manager, Stan Popovich, AICP; Village Planner Patrick Ainsworth, AICP and Planning Intern Ross Pietrzak

VISITORS: Mr. Ken Rathje, Rathje Planning, Downers Grove; Messrs. Mike Ricamato and Randy Thomas with The Alter Group, Skokie; Mr. Michael Cassa, president, Downers Grove Economic Development Corporation; Residents Ron and Rose Wirge, Tom LeCran; Mr. Jeff Mond, 4605 Cross Street, Downers Grove; Ms. Donna DeLou, 4617 Druendel Road, Downers Grove; Aaron Zeigler, 4201 Stadium Drive, Kalamazoo, Michigan

Chairman Rickard led the commission in the recital of the Pledge of Allegiance and explained the protocol for the meeting.

APPROVAL OF JULY 6, 2015 MINUTES

MINUTES OF THE JULY 6, 2015 MEETING WERE APPROVED ON MOTION BY MR. THOMAN, SECONDED BY MS. HOGSTROM. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 4-0-3 (ABSTAIN: MR. BASSLER, MS. HOGSTROM, MR. THOMAN)

PUBLIC HEARINGS:

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

FILE 15-PLC-0017 (previously continued): A petition seeking approval of a Special Use for a fueling station to redevelop the existing gas station. The subject property is zoned B-3, General Services and Highway Business. The property is located on the west side of Finley Road between Ogden Avenue and Warrenville Road, commonly known as 2212 Ogden Avenue, Downers Grove,

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IL (08-01-402-006, -007, -008). Ambrose Design Group, LLC, Petitioner; TrueNorth Energy, LLC, Owner.

Chairman Rickard stated that the petitioner has requested to continue the hearing to the October 5, 2015 meeting.

MOTION BY MRS. RABATAH, SECONDED BY MR. COZZO TO CONTINUE THE PUBLIC HEARING TO OCTOBER 5, 2015. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.

FILE 15-PLC-0025: A petition seeking approval of a Final Plat of Subdivision to subdivide the existing property into two lots. The property is currently zoned R-3, Residential Detached House 3. The subject property is located on the east side of Victor Street, approximately 130 feet north of 6th Street, commonly known as 5307 Victor Street, Downers Grove, IL (09-09-323- 013). Xhevrije Osmani, Petitioner and Fikri Osmani, Owner.

Chairman Rickard stated that the petitioner has requested to continue the hearing to the September 14, 2015 meeting.

MOTION BY MR. QUIRK, SECONDED BY MS. HOGSTROM TO CONTINUE THE PUBLIC HEARING TO SEPTEMBER 14, 2015. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 7-0.

FILE 15-PLC-0021 (previously continued): A petition seeking approval of a Final Plat of Subdivision to subdivide the existing property into two lots. The property is currently zoned O-R-M, Office-Research-Manufacturing. The subject property is located at the southeast corner of Ogden and Walnut Avenues, commonly known as 2801 Ogden Avenue, Downers Grove, IL (08-01-304-002, -003, -022, -028 and 08-01-307-001, -002, and -003). The Alter Group, Petitioner and Owner.

Mr. Ainsworth reviewed the location of the 18.1-acre site which sat vacant. The lot is co-owned by the Alter Group and the Downers Grove Park District. The proposal is to redistribute the seven existing lots into two new lots. Lot 2 would be owned by the Downers Grove Park District and contain the existing wetland while Lot 1 would be owned by the Alter Group. No development plans were planned for the two lots at this time. Originally the entire site was set aside in the Comprehensive Plan for big box retail; however, due to development issues, the proposal tonight was for Lot 1 (3.3 acres) to go to the Alter Group and Lot 2 (14.8 acres) to go to the park district. Mr. Ainsworth discussed how certain provisions in the Comprehensive Plan encourage recreational opportunities within the village.

Continuing, Mr. Ainsworth reported the village would be entering into a subdivision improvement agreement with the two property owners for future public improvements based on future developments. Details followed. There were no standards for approval on this proposal although both lots met the lot dimension requirements in both the Subdivision and Zoning Ordinances.

Questions followed as to how the irregular shape was benefiting the owner, i.e., it allowed development to take place on Lot 1 and would have a buffer zone around the wetland, per county regulations. Asked if Lot 1 would have access to Walnut Avenue, Mr. Ainsworth explained it

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would depend upon the development coming in. Determining lot depth to Ogden Avenue was then discussed. Staff was satisfied with the lot depth.

Mr. Ken Rathje, Rathje Planning Services, 412 Chicago Avenue, Downers Grove, stated he was representing both owners and explained that the proposal was more of a lot consolidation into two lots versus a subdivision. A history of the parcels followed, noting that the park district had always planned to acquire the piece of property, for as long as 20 years, as open, passive space. Continuing, Mr. Rathje described that the Alter piece of property on the north would include access, at minimum, along Walnut Avenue with a possibility of a right-in/right-out on Ogden Avenue. Lot dimensions followed. To date, he said the park district had no plans to develop the property but was responsible for providing appropriate storm water management and appropriate public improvements when development came in. The same followed for the Alter Group. The depth of the property was, again, discussed, noting the narrowest part of Lot 1 was about 230 feet.

Mr. Quirk found it interesting that the site, even though being eyed by the park district for many years, was listed as a catalyst site for big box retail and mixed into the comprehensive plan. However, Mr. Rathje explained that many times public entities, when interested in acquiring property will not disclose, publicly, their interest and it was not unusual for a comprehensive plan to not disclose something similar. Mr. Rathje did acknowledge that there was language in the comprehensive plan that did anticipate the possibility of open space. He further explained the initial challenges of the property with the Alter Group.

Chairman Rickard opened up the meeting to public comment.

Ms. Donna DeLou, 4617 Druendel Road, Downers Grove, was pleased to see that the park district was acquiring the open space because she always had concerns about the property. Also there were many empty stores in the strip mall nearby. She was glad to see the open space because it helped with the flooding in the area but also helped with the wildlife. She asked that if future development does come in to keep the 100-year old tree on the site and the parties work with the park district.

No further comments followed.

Mr. Rathje emphasized that both parties will be obligated to provide stormwater detention for the development of their property, as appropriate and as required by the ordinance.

Chairman Rickard closed the public hearing and opened up the discussion to the commissioners.

Commissioner comments were that the proposal appeared to be a win for both parties; by having the wetlands removed from the lot, it made Lot 1 more marketable; and it was consistent with the comprehensive plan.

WITH RESPECT TO FILE 15-PLC-0021, MR. COZZO MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE TWO (2) CONDITIONS LISTED IN STAFF'S MEMORANDUM.

SECONDED BY MRS. RABATAH. ROLL CALL:

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**AYE: MR. COZZO, MRS. RABATAH, MR. BASSLER, MS. HOGSTROM, MR. QUIRK,
MR. THOMAN; CHAIRMAN RICKARD**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

FILE 15-PLC-0022: A petition seeking approval of a Special Use to permit the operation of a Warehousing Business (Internet Retail Sales). The property is currently zoned O-R, Office-Research. The property is located at the southwest corner of Highland Avenue and 31st Street, commonly known as 1001 31st Street, Downers Grove, IL (06-32-100-012). Pro Stock Hockey, LLC, Petitioner and Steel Family Real Estate, LLC, Owner. e. 15-PLC-0024:

Planning Intern Ross Pietrzak located the site on the overhead and reported that the proposal had been in the works for some time. The village council approved a text amendment in June 2015, which allowed for a special use of Warehousing in the O-R Office-Research zoning district. Currently a 3-story building and parking lot existed on the site and the building was designed in such a way that the first floor was considered the lower level while the second floor was considered the first floor with a main lobby. Currently, the Pro Stock Hockey business conducts phone sales and has no on-site sales; just a storage area and a few offices.

Per staff, the site was being designated as Warehousing because the primary use was to store equipment that included used professional hockey equipment sold to the general public at a lower price. A list of the equipment followed. Access on 31st Street was noted as well as the circulation for the various delivery trucks, such as Fed-X and UPS. Direct access was located at the northwest corner of the building.

Mr. Pietrzak reviewed the standards for the warehousing use in the O-R district and explained how the proposal met the standards, except for the need of one handicap parking space, as stated in staff's report. By filling a vacancy in the building, the business made the area more desirable and more active and there was no detrimental concern to the health, safety and welfare of the residents. The proposal met all the standards for approval in the Zoning Ordinance. Staff recommended a positive recommendation to the village council.

Comments followed that this case was brought before the village council prior who directed the applicant to work with staff on a text amendment for a special use in the O-R Office Research zoning district.

On behalf of the petitioner, Mr. Ken Rathje with Rathje Planning Services, appeared along with Mr. David Duerr, CEO of Pro Stock Hockey and Straight North Corporation. In summary, he explained his client's business was an Internet retail sales business. A history of how he became familiar with his client as well as a history of the used hockey equipment business followed. Mr. Rathje confirmed that Pro Stock Hockey does not allow the public to visit their office site and merchandise is shipped to the buyer via Fed-X.

Mr. Rathje closed by stating the petitioner satisfied all of the requirements and met the warehousing use which was recently adopted by the village council and became an authorized use under the underlying O-R Office Research zoning district. Mr. Rathje reviewed each of the standards of the

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special use and explained how the proposed use met those standards. He emphasized that staff worked with his client since the start of the petition and he hoped the commission would forward a positive recommendation to the village council.

Per a question regarding the hours of operation, Mr. David Duerr, 11844 Crosscreek Court, Burr Ridge, responded that typically employees arrive between 7:00 AM and 8:00 AM and leave between 4:00 PM and 5:00 PM and do not work weekends nor after hours. Asked if there were shared employees between Straight North and Pro Stock Hockey, Mr. Duerr said there were about a dozen employees that worked between the two companies and were either graphic designers, marketing reps, or web developers. Both companies were located on the same floor of the building: one business on the west side and one on the east side. Details followed. Average shipments for the day: during summer months was about 5 to 10 orders; during the peak period was about 15 to 30 orders. Dialog followed regarding the level of noise coming from the company's Flex-check machine which checked the flexibility of the hockey sticks. Per Mr. Duerr, there were no complaints received from any other building tenant.

Chairman Rickard opened up the meeting to public comment. None received.

Mr. Rathje closed by thanking staff for their assistance on the petition.

Public comment was closed.

Mrs. Rabatah asked staff for clarification regarding staff's Recommendation No. 1 as it related to any change in the operation of the business, expansion of the business scope, or increase in floor area and having to return to the village. Mr. Popovich explained that if the business operations intensifies and expands into any other space than what has been approved, the petitioner would have to return to the village to amend their Special Use approval. However, minor changes in the special use could be approved administratively by staff. Examples followed. As to a question about making one of the parking spaces a handicap spaces, Mr. Popovich confirmed that staff requested the petitioner to provide another handicap space to meet the parking requirements, if this petition was approved. Mr. Cozzo also confirmed that the standards for approval on this petition had been met.

WITH RESPECT TO FILE 15-PLC-022, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE TWO CONDITIONS IN STAFF'S MEMO.

SECONDED BY MS. HOGSTROM. ROLL CALL:

**AYE: MR. QUICK, MS. HOGSTROM, MR. BASSLER, MR. COZZO, MRS. RABATAH,
MR THOMAN, CHAIRMAN RICKARD**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

FILE 15-PLC-0024: A petition seeking approval of a Special Use to permit the operation of a Personal Vehicle Sales and Rentals (Automobile Dealership) business. The property is currently

zoned B-3, General Services and Highway Business. The property is located at the southeast corner of Cross Street and Ogden Avenue, commonly known as 2501 Ogden Avenue, Downers Grove, IL (08-01-306-024). AJZ-Downers Grove II, LLC, Petitioner and Old Second National Bank, Owner.

Mr. Ainsworth located the 1.77-acre site on the overhead for the commissioners stating the site was improved with a one-story vacant commercial/retail building with a large open space and surface parking lot. The prior use for the site was an automobile dealership but due to the length of time the site sat vacant, the owner could not re-establish the former special use by-right. The village's new ordinance required that after a site has sat vacant for more than six months, the owner has to return to the Plan Commission to reactivate the special use, which the petitioner was doing tonight.

A current site plan was presented and reviewed. The access off of Ogden Avenue would remain the same and the parking lot would be re-stripped designating employee parking and a two-way drive access aisle which circled around the building. There would be increased landscaping, the two-bay doors on the west elevation would become offices, and the owner intended to do some minor aesthetic improvements to make the building more customer-friendly. There is some intent to redevelop the property but that was not under consideration for tonight's meeting.

Mr. Ainsworth described how a car carrier would access, stage, and then drive around the site to exit the site. No repairs, maintenance or detail operations would be done on the site. He reminded the commissioners how the Comprehensive Plan supports such uses along the Ogden Avenue Corridor for automobile-type businesses. Per Mr. Ainsworth, the proposed site and the reactivation of the special use met the requirements of the village's Comprehensive Plan. However, staff listed ten (10) conditions in its staff report to ensure that the petitioner remained a good neighbor.

Chairman Rickard asked staff to point out the No Parking Anytime restrictions over the septic area wherein Mr. Ainsworth proceeded to do so. He did confirm that prior, vehicles were parked on the septic area. Mr. Thoman voiced concern and asked whether the septic fields were checked for any damage to which Mr. Ainsworth responded that he asked the same question and, to date, there were no issues with the septic field. He reminded the commissioners that if any septic field issues did arise, the owner would have to work with the DuPage County Health Department to mitigate them. Regarding the green space on the northeast corner of the site, Mr. Ainsworth explained it had been part of a lot consolidation but now was part of the subject property and would have minimum requirements to be maintained as green space. Lastly, regarding staff's Recommendation No. 9, as it related to vehicle test drives, Mr. Ainsworth discussed that the recommendation were listed to prohibit tests drives on residential streets.

Petitioner, Aaron Zeigler, 4201 Stadium Drive, Kalamazoo, Michigan, shared that in 2010 he constructed the Chrysler/Dodge dealership down the road from the subject property. Due to lack of land at his current location, he was planning to expand operations by using the subject site as a Dodge Promaster franchise. No service, maintenance or detail work would be done at the site. Per an earlier question about the septic, Mr. Zeigler confirmed that he did have an inspection of the septic system, it passed inspection, and had a letter to confirm same. He was not planning to park vehicles on the septic area.

Questions followed regarding the lighting for the property, wherein Mr. Zeigler stated there was some lighting but he was planning to bring the lighting up to code, with possible LED lighting in the future.

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Chairman Rickard opened up the meeting to public comment.

Mr. Jeff Mond, 4605 Cross Street, Downers Grove, lives down the street from the lot and has lived in his house since 1981. He expressed concern about test driving and stated that there has been test driving from Zeigler Motors, Max Maddson and previous dealerships. He stated that young families are moving in with young children. His street is a straight pass to the Burlington train tracks and there has been an increase in traffic since the redevelopment of the tracks. He asked if something could be done so that there are no test drives down his street or to use Walnut Street, since it was less residential than Cross Street. Also, he stated there was no left turn onto Cross Street because it was a dangerous area and he recommended that there be no left-turns at all in the area. Lastly, Mr. Mond expressed concern about car carriers parking on Cross Street, noting it was very narrow and he saw trucks getting stuck while trying to turn around.

Mr. Michael Cassa, president of the Downers Grove Economic Development Corporation, spoke about the positives of the proposal, reminding the commissioners that the petitioner was going to be taking a vacant Catalyst site and turning it into a vital business which will generate approximately \$240,000 per year in sales tax revenue for the village. He thanked both the petitioner and staff for making the proposal a reality.

Mr. Zeigler declined a closing statement and the public hearing portion was closed by the chairman.

Commissioner questions followed regarding enforcement issues arising and what the neighbors could do if test drives occurred. Also, the positives of the business and the petitioner were mentioned by Mr. Thoman, noting the owner did a fine job at his current dealership.

WITH RESPECT TO FILE 15-PLC-0024, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO STAFF'S 10 CONDITIONS IN ITS MEMO.

SECONDED BY MR. QUIRK. ROLL CALL:

**AYE: MR. THOMAN, MR. QUIRK, MR. BASSLER, MR. COZZO, MS. HOGSTROM,
MRS. RABATAH, CHAIRMAN RICKARD**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Mr. Popovich announced that the next meeting will be scheduled for September 14, 2015 and Planner Kelly Chrissie resigned last week and will be working for the Village of Wood Dale. He also expects the village council to appoint a commissioner to this commission at its last meeting this month.

**THE MEETING WAS ADJOURNED AT 8:36 P.M. ON MOTION BY MR. QUIRK,
SECONDED BY MR. COZZO. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE
OF 7-0.**

/s/ Celeste K. Weilandt

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