

APPROVED 12/7/09

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

NOVEMBER 2, 2009, 7:00 P.M.

Chairman Jirik called the November 2, 2009 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

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

ABSENT: Mr. Cozzo, Mrs. Hamernick, Mr. Quirk

STAFF PRESENT: Community Development Dir. Tom Dabareiner; Planners Stan Popovich and Damir Latinovic

VISITORS: Robert Cynown, 2701 Wisconsin Ave.; Patty Patenaude, 2701 Wisconsin Ave.; Jim Russ, Attorney, 4915 Main Street; Kathy Strohm, 1700 Taylor St.; Mike McDermott, 1801 Whidden Ave.; Bill Gill, 2333 Wisconsin Ave.; Dean Bapes, 6476 Saratoga Ave.; Charles Lukas, 4840 Washington; George Nicholaou 4845 Highland, Jill Martin, 6505 Wells; Sanjay Jaisingani, 8550 W. Brynmar, Chicago, Illinois; David Brammer, 1711 Brookwood;; Greg Bedalov, Downers Grove EDC, 2001 Butterfield; Marge Earl, 4720 Florence; Laura Crawford; Martin Tully, 4808 Cornell Ave; Mark Layne, 777 Army Trail Road, Addison, Illinois.

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

OCTOBER 5, 2009 MEETING MINUTES - MR. WEBSTER MADE A MOTION TO APPROVE THE MINUTES AS PREPARED, SECONDED BY MR. MATEJCZYK. MOTION CARRIED BY VOICE VOTE OF 6-0.

An explanation of the meeting's protocol followed.

PC-10-09 A petition seeking a Special Use approval for a telecommunications tower located on the east side of Springside Avenue, approximately 730 feet south of 63rd Street, commonly known as 6401 Springside Avenue, Downers Grove, IL (PIN's 09-19-101-002, 09-19-200-003); Mark Layne, Agent for T-Mobile Central LLC, Petitioner; Community High School District 99, Owner.

Chairman Jirik swore in those individuals who would be speaking on PC-10-09.

Village Planner, Mr. Popovich reviewed the special use request for a telecommunications tower on the 78-acre parcel known as the Downers Grove South High School football field located in the northwest corner of the property. The four existing light poles on the property are 80 feet tall. At the southwest corner of the football field, the petitioner, T-Mobile, is requesting to install a tower with the equipment cabinets located under the west bleachers. The single-user tower is proposed to

be 90 feet tall to the top of the antenna array with the pole being 86.5 feet tall. The existing light pole will be removed and replaced with a four-foot wide tower at the base. The tallest row of the football lights will be approximately 78 feet tall. Details of the equipment cabinets and the surrounding security fences followed. Staff is recommending an enclosure above the equipment cabinet in order to keep out individuals.

T-Mobile is being granted a four-foot wide access easement from the school district. Photos followed. Staff is not recommending landscaping along the tower base since it is similar to other light standards and existing screening is located along Springside to screen the base.

Per staff, the Future Land Use Map calls for the site to be residential with 0-6 dwelling units per acre. Staff does not feel there will be any impacts on the land use character of the school nor the surrounding neighborhood and believes the proposal is consistent with the zoning ordinance's intent. While the goal of the zoning ordinance is to reduce the number of cell towers in the village, currently there are no existing towers or non-residentially zoned properties available in the area. Staff believes the proposal meets the village's bulk regulations and details can be found in the petitioner's submittal.

Continuing, Mr. Popovich confirmed the petitioner has met the standards of Section 28.1307 of the Zoning Ordinance, Telecommunication Towers. He explained the petitioner's coverage goal is to address the communication gap south of 63rd Street between Woodward and Dunham Avenues and from 63rd and Concord. Six locations were considered by the petitioner with staff suggesting T-Mobile use the Maple Avenue water tank in 2008; however, the petitioner declined due to the lease terms not working out. In 2009, staff again suggested the Maple Avenue water tank but T-Mobile felt the tank could not support the antennas at the height and coverage they were seeking. Staff believed modifying the water tank did not meet the village's core services. Other coverage considerations were explained and staff believed that the petitioner exhausted all feasible alternatives to the South High School site and believed the proposal met the goals of the zoning ordinance and special use standards

According to Fire Prevention, there are no issues with the site. However, neighbors did express concern about the tower's height, security, safety, and the impact of property values. A neighborhood meeting was held by T-Mobile in April 2008 with no residents attending. Proper steps were taken to notice the residents of this meeting.

Mr. Popovich reviewed each of the four (4) special use standards, noting that all of them were met. He asked that the Plan Commission forward a positive recommendation to the Village Council.

Questions followed on the location of the coax cable and whether it was considered to be placed outside of the tower. Voltage of the equipment was also raised, since it was close to the bleachers. Asked why the petition was a single-user tower, staff reported the petitioner requested a single user and it could not have additional users on the tower. A multiple-user tower would have to return for a special use request. Mr. Popovich could not confirm whether the petitioner would have a monopoly in the area.

Mr. Beggs raised concern on whether the proposal would affect any future improvements to the high school's football field, wherein Mr. Popovich stated it would be up to the school but he did not see any real opportunity to expand. Mr. Beggs further inquired about the details of the coverage

objectives and coverage gaps of the drive test provided by T-Mobile. Additional questions asked included what gates would be used to access the equipment, i.e., the two gates closest to the equipment and located on Springside Avenue.

On behalf of the petitioner, Mr. Mark Layne, contract agent for T-Mobile, reviewed the drive test study which confirmed two coverage gaps, one of which was located south of 63rd Street (the one under discussion) and one gap north of 63rd Street. He further explained T-Mobile's intent was to seek out existing structures of height in the area and to install the antennas directly onto the existing light standard and co-locate on the existing pole but the light standards lacked sufficient structural integrity to mount the antennas.

Mr. Layne explained the lease between District 99 and T-Mobile specifies the design shown in the drawings submitted to the Plan Commission. Information was also available from Saber Towers, which addresses strength capacity and wind load. He believed the proposal was a positive for the Village because it meets the spirit of the ordinance, it provides wireless communication for the community, and is a source for non-tax based revenue for School District 99.

Mr. Matejczyk voiced concern about the voltage wherein Mr. Layne stated that the power is the standard residential service with 200 amps and is located underground. Furthermore, Mr. Matejczyk stated there was no information regarding structural calculations. In response, Mr. Layne explained because no original light standard drawings existed, T-Mobile decided to design a new structure to hold both the antenna and the lighting. The drawings within the packet are conceptual. The final designs will be submitted for a building permit and will include all structural drawings. Mr. Layne provided the commission with the Saber Towers structural information.

Asked if School District 99 was aware of the timeline, Mr. Layne stated there were limitations as to when construction could occur. If approved, he expects construction would start in January with no interruption to school activities. Asked if the lease was conditioned upon any approvals received, Mr. Layne confirmed positively. Mr. Webster questioned the protection above the equipment, wherein Mr. Layne stated T-Mobile was considering a series of ice bridges to place above the equipment. Per another question, he was not aware of any fires started in the equipment nor an antenna breaking apart. Maintenance of the equipment is approximately once a month and during off hours.

Asked if the petitioner was comfortable with a limitation in the form of a single-user with a height not to exceed 90 feet, Mr. Layne stated it would have to be discussed with the school district if T-Mobile was going to construct something taller than discussed. Chairman Jirik reiterated to the petitioner that any form of dispensation by the Plan Commission is usually very specific.

Chairman Jirik opened up the meeting to public comment.

Mr. Dean Bapes, 6476 Saratoga Avenue, stated his next-door neighbor secured a petition and received over 90 names objecting this proposal. He discussed the resident notification process and the fact that many times the residents feel they do not have a voice because petitions are already decided upon. Mr. Bapes voiced concern that the tower will impact home values and impose health effects upon the community. He noted only the school district and T-Mobile will benefit from the proposal. He hoped the Commission would consider the residents of the community.

Ms. Jill Martin, 6505 Wells, conveyed concern about setting a precedent with the single-user tower eventually becoming a multi-use tower and whether additional types of equipment would follow. While the FCC pre-empts health issues, Ms. Martin understood that the FCC did not pre-empt people's perceptions of the health issues. Regarding property values, she posed the question of whether any of the commissioners would want to live near a power generator or cell towers knowing the health issues possibly associated with it.

Ms. Kathy Strohm, 1700 Taylor, inquired why T-Mobile could not extend one of the existing standards at the nearby Meadowbrook Mall versus the proposed location. She too, had concerns about the equipment voltage. Mr. Popovich stated that the Meadowbrook Mall was not a feasible site due to its proximity to an existing tower near Interstate 355. Also, height restrictions were an issue since it was non-residential zoning district and separation distance had to exist between the residential area and the tower.

No further comments followed. Public comment was closed by the Chairman.

Chairman Jirik asked if the petitioner had further comments. Mr. Layne reiterated the positives of the proposal and called attention to the property value study that was enclosed in the commissioners' packets which reflected no impact. Mrs. Rabatah, in reviewing the three current towers and seeing the proposed tower will fit within the triangle, she queried what radius the new tower would serve and questioned Mr. Layne if T-Mobile considered retrofitting those three existing towers to increase the coverage radius. Mr. Layne responded that the T-Mobile's signal does not travel very far due to the density of the area. Additional questions followed on how T-Mobile would address the northern coverage gap.

Mr. Sanjay Jaisingani, 8550 W. Brynmar, Chicago, Illinois, engineer for the project, explained that the distance covered by the tower depends upon the height and terrain and the power which goes into the antenna. Coverage levels were explained along with frequency rates.

Regarding future sites to consider, Mr. Waechtler, encouraged the petitioner to look at industrial sites. Furthermore, the commissioners discussed the source of the charts and their accuracy, the location of the equipment being near the high school, and relying on the professionals who have done the work. Mr. Matejczyk noted the technology of T-Mobile was low and he expected that more tower requests would be forthcoming to this commission. Per a question regarding customer complaints and lack of coverage, Mr. Jaisingani added that customer complaint monitoring takes place on a daily basis because it is relevant to the coverage. He confirmed with Mr. Waechtler that complaints have been received for the area of discussion. Asked if the coverage area is affected by the number of calls, Mr. Jaisingani stated in certain technologies it is; however with T-Mobile it is not affected by the volume of calls. However, if the area is maximized out, then the service cannot be accessed. Mr. Matejczyk suggested increasing the safety factor in the structural process.

The chairman noted, for the record, staff's assessment relative to Section 28.1902. He stated staff was thorough in addressing the topic and agreed with staff's opinion that the standards have been met. Additionally, recalling the discussion with Mr. Bapes, he did direct Mr. Bapes to have a discussion with District 99 and also noted that any traffic issues should be addressed to Village's the Traffic & Parking Commission. The chairman confirmed the FCC pre-emption was explained; however, the chairman thought it was important to verify post-construction that compliance with the

frequency measurements have been achieved to assure compliance with the FCC. He stated that any future application of any matter, is judged solely on its sole merits and proceedings, and the commission provides no prejudice for or against any application by any applicant whatsoever.

Chairman Jirik also stated that the commission did discuss a condition about limiting the tower to a single user and 90 feet. Given the sensitive location, he agreed it was important for the commission to pay attention to the structural design/engineering due to the safety of the students, including any inspections used, to validate that the construction has been performed flawlessly and the construction has achieved the intent of the structural design.

WITH RESPECT TO FILE PC-10-09, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSED SPECIAL USE PROPOSED BY THE PETITIONER, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE PRELIMINARY ENGINEERING PLANS PREPARED BY FULLERTON ENGINEERING CONSULTANTS, DATED MARCH 14, 2008 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES;**
- 2. THE PETITIONER SHALL INSTALL A FENCE OR BARRIER ON TOP OF THE EXISTING EQUIPMENT FENCE TO ENSURE THAT ACCESS TO THE EQUIPMENT CAN NOT BE OBTAINED BY GOING THROUGH THE BLEACHERS ABOVE; AND**
- 3. BEFORE THE ISSUANCE OF ANY BUILDING PERMITS, THE APPLICANT SHALL SUBMIT AN ENGINEER S COST ESTIMATE IN THE AMOUNT SUFFICIENT TO FUND ANY COSTS INCURRED BY THE VILLAGE DUE TO OWNER S FAILURE TO COMPLY WITH ALL CODES, ORDINANCES, RULES AND REGULATIONS OF THE MUNICIPAL CODE INCLUDING ANY REMOVAL OR RESTORATION WORK THAT THE VILLAGE MUST PERFORM ITSELF OR HAVE COMPLETED AS A CONSEQUENCE OF THE OWNER S FAILURE TO COMPLY WITH ALL PROVISIONS OF THE MUNICIPAL CODE. FOLLOWING THE APPROVAL OF SUCH COST ESTIMATE, THE APPLICANT SHALL ESTABLISH A SECURITY FUND IN THAT AMOUNT WITH THE VILLAGE, IN THE FORM OF AN UNCONDITIONAL LETTER OF CREDIT, SURETY BOND OR OTHER INSTRUMENT. THE LETTER OF CREDIT, SURETY BOND OR OTHER INSTRUMENT SHALL (I) PROVIDE THAT IT SHALL NOT BE CANCELED WITHOUT PRIOR NOTICE TO THE VILLAGE; AND (II) NOT REQUIRE THE CONSENT OF ANY OTHER PERSON OTHER THAN THE PROPER VILLAGE OFFICIAL PRIOR TO THE COLLECTION BY THE VILLAGE OF ANY AMOUNTS COVERED BY SAID LETTER OF CREDIT, SURETY BOND OR OTHER INSTRUMENT. THE SECURITY FUND SHALL BE CONTINUOUSLY MAINTAINED IN ACCORDANCE WITH THE ZONING ORDINANCE, SECTION 28.1307, AT OWNER'S SOLE COST AND EXPENSE.**

SECONDED BY MR. WEBSTER.

APPROVED 12/7/09

While he disagreed with Mr. Matejczyk's comments about leaving out specific verbiage as to equipment construction in the motion, Mr. Waechtler stated the Chairman's comments were appropriate and thought more specific construction verbiage should be included in the motion due to the equipment being built underneath bleachers where students would be sitting. Mr. Waechtler was satisfied that the Chairman's above comments would be clearly stated.

ROLL CALL:

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

NAY: MR. WAECHTLER

MOTION CARRIED. VOTE: 5-1

Mr. Waechtler explained he voted Nay because the two previous approvals for T-Mobile towers were installed in somewhat residential areas but the towers were in remote areas and not under bleacher stands. There was a safety concern about the equipment being near students, sport students, and sporting events. For credibility purposes, he suggested that outside consultants provide the studies. Under Section 28.1908 he believed Items A, B and C were not appropriate.

Chairman Jirik explained the next steps in the petition review process for the attendees.

(The commission took a break at approximately 9:05 p.m. and reconvened at about 9:15 p.m.)

PC-19-09 A petition seeking an Amendment to Chapter 28 of the Municipal Code – Zoning Ordinance Section 28.1500 Signs to amend the original monument sign regulations as they relate to shopping centers and automobile dealerships; Downers Grove Economic Development Corporation, Petitioner.

Chairman Jirik swore in those individuals who would be speaking on PC-19-09.

Director of Community Development, Tom Dabareiner, explained that the Downers Grove Economic Development Corporation ("DGEDC") is requesting a text amendment to Article 15 of the Zoning Ordinance pertaining to signage. Specifically, the DGEDC would like to permit free-standing signs that are 15 feet tall and 60 square feet on lots with a minimum frontage of 260 feet with a minimum of two-and-one-half acres. Also, the maximum square feet would be 300. Staff has reviewed the request and is recommending against it because there has not been much direction from the Village Council to aggressively change the ordinance. However, the Council is generally remains "open" to logical changes. Staff feels a gap does exist in the sign ordinance where larger, single-use properties could benefit from various types of signage, because they have similar characteristics as shopping centers, such as multiple access points, larger setbacks, etc.

Staff feels that the height can improve visibility and allow for some improvements to traffic safety along major arterial road corridors. However, there are some concerns that the request may be contrary to the goals of the original sign ordinance amendment, i.e., clutter, as well as possibly being too broad. Examples of the proposed amendment as compared to current compliant signage in the B-3 district, were depicted on the overhead to provide a sense of proportion to the commissioners and audience. Director Dabareiner then presented various depictions of signage for

frontages that are less than 100 feet (monument allowed 8 ft. tall, 24 sq. ft.); more than 100 feet (monument allowed 10 ft. tall, 36 sq. ft.); and then shopping center frontages more than 500 feet (monument allowed 15 ft tall, 60 sq. ft.) which clearly identifies a gap.

Therefore, staff is suggesting that the commission explore this gap for frontages of 260 feet with a two-and-one-half acre limit. A list of 60 properties positively affected by that suggestion were reviewed. However, because that figure was significant, staff decided to explore a limitation to the B-3 zoning district only, which reduced the figure to approximately 15 properties, which was manageable. An explanation followed on how the gap would be filled.

Commissioners had no comments at this point.

Mr. Greg Bedalov, President of the Downers Grove Economic Development Corporation (“DGEDC”), thanked staff for assisting the DGEDC with drafting the amendment. For the record, Mr. Bedalov stated the DGEDC has always supported and continues to support the spirit and intent of the Village’s sign ordinance. He explained the proposed amendment is in line with the spirit of the original ordinance. Regarding the shopping centers with greater than 500 linear feet of frontage on Ogden Avenue, Mr. Bedlov believed they qualified for two monument signs: each 15 feet tall and 60 sq. feet on either side of the monument. There is potential to have a 15 ft. tall monument sign with 60 sq. feet of signage every 135 feet, which requires multiple tenants.

Mr. Bedlov referenced his narrative letter meeting the standards for a text amendment and emphasized he was not seeking an increase in total signage since the 300 sq. feet was working. The amendment pertained to unique lot characteristics and the fact that the sign trend in the economy was reflecting “brands” versus individual businesses and more brand consolidations would be seen in the future, which was the reason why the DGEDC brought forth the request.

Asked if the DGEDC was seeing more businesses acknowledging that they have to become sign compliant by 2012, Mr. Bedalov stated his office receives three to four calls a month on the matter.

Mr. Beggs inquired as to the benefit of approving the proposal versus reviewing a special use permit for the 15 properties, wherein Mr. Bedalov stated for the businesses, it was a matter of the time and effort associated with the process. Mr. Beggs asked how this proposal would affect the 21 single-lot users listed in staff’s memo. After a more thorough explanation by the petitioner, Director Dabareiner further added that it was important to give the affected businesses a choice of placing their 300 sq. feet either on their building or on a smaller monument sign based on their own needs. Asked if the change could hurt adjacent businesses, Director Dabareiner ensured there would be enough setback from the side property lines so that visually there was no impact from the larger signs.

Chairman Jirik inquired as to staff’s rationale for including only the B-3 businesses into the proposal, wherein Director Dabareiner explained staff was trying to focus the change only to the busy roadways, i.e., Ogden Avenue and Butterfield Road. Staff believes the proposal would address these corridors and the type of businesses that are located in a B-3 District (regional retail/service-type business). The Chairman commented he supported staff’s recommendation but at the same time he did not have a strong reservation to opening up this proposal for all business districts. However, staff proceeded to review the differences between the various business districts, noting staff was more concerned about opening up the proposal to the other business districts because the

focus was on the corridors and highways. An explanation followed on how the 260 feet of frontage figure was determined.

Asked if the proposed amendment was going to allow any monument signs along the tollway to become larger, Director Dabareiner stated that the issue was completely separate and was not being addressed by the proposed text amendment and it would not change it either way. Mr. Bedalov also confirmed that the proposed amendment does not ask for any additional tollway signs and staff's memo does not seek the same either. Asked how many potential variations could come before this commission, Director Dabareiner could not predict.

Chairman Jirik opened up the matter to public comment.

Mr. Charles Lukas, 4840 Washington, stated he was on the Zoning Board of Appeals ("ZBA") for 22 years and referenced the petitioner's notification letter and some unusual language. He cited within staff's report verbiage about "larger signage preventing rear-end collisions" noting that when he was sitting on the ZBA years ago, he heard just the opposite, that larger signs were distracting and causing rear-end collisions. He also thought the proposed amendment would have come before the ZBA and not this commission. He found it disappointing that the DGEDC was the petitioner on this matter, commenting the current Zoning Ordinance Section 28.1500, Signs, was the result of an extensive study that was done to determine how the village's corridors were to look. He stated the appeal process could be used for individual requests. Mr. Lukas recommended that the commission adhere to the ZBA's procedures for a variance built into the sign ordinance. He requested that the commission not support the petitioner's request. Lastly, he stated to the DGEDC that if anyone comes to them stating they will not locate or relocate in the Village due to the sign ordinance, to convey to them to look at other options. They need to emphasize that DGEDC wants to bring in businesses that want to come to Downers Grove for the way Downers Grove looks and not for the type of signs they can get.

Mr. Martin Tully, 4808 Cornell Avenue, suggested that the commission make a positive recommendation on this text amendment with the conditions stated in staff's report. He discussed the extensive work that went into the 2005 draft of the Signage Ordinance but also stated that it was never intended to anticipate every situation that could arise and that there would be certain corridors/ parcels that would be challenging in the future and need modification. The sign ordinance was to be flexible. He found the petitioner to be appropriate in its request because it represented the economic community. More so, the request was addressing a gap that currently exists. His support for the proposal followed. While he acknowledged staff's support for the text amendment, he stated there was no policy direction from the village council. He stated the council wanted to hear from businesses in order for it to create policy and yet stay flexible so it could draw businesses to the community. He recommended that the commission forward a positive recommendation to the Village Council to discuss the matter.

Regarding Mr. Beggs' question about what identifies the gap other than the difference between two numbers, Mr. Tully explained there was the concern that special corridors exist and would need additional attention. As to the gaps, Mr. Tully stated they could have been discussed endlessly at that time, but something had to be adopted.

Mr. George Nicholaou, 4845 Highland Avenue, Downers Grove, came up and said he worked on the sign ordinance. He stated that no one at the time thought they wrote a perfect sign ordinance so

a five-year review was placed on it. He pointed out the benefits that have resulted from the sign ordinance process and the exorbitant amount of time that was spent on drafting the ordinance. He agreed the sign ordinance needed to be improved but stated the modification being reviewed tonight concerned him because it did not take into consideration how it will affect the other 50 to 60 individuals who have made the modifications. He raised concern about liability and he supported Mr. Lukas's comments about the goals of Downers Grove. He recommended that a greater job needs to be done to complete full due diligence. Mr. Nicholaus reviewed various signs around the Chicago-land area on the overhead projector and the signage that could be placed on the parcels. He encouraged the commission to forward the proposal with a negative vote.

There being no further comment, the Chairman closed the public participation.

Mr. Beggs stated that ordinances were always subject to change and he did not believe the village would be liable. He found there was no evidence to prove whether larger signs are distracting or not and had to rely upon staff's opinion. He believed it was important for this commission to advise the Village Council on the proposal. He supported the text amendment.

In general, Chairman Jirik, commented on how change occurs and he was around when the sign ordinance was being drafted. He agreed with the comments that the ordinance was a work in progress. However, he pointed out there is a balance between overloading the variance process and refining the ordinance to negate the need for the administrative work. As he saw it, the petition was a finer gradation between classes. Mr. Waechtler also agreed with the chairman's comments about the ordinance being a work in progress. To recommend a negative vote, Mr. Waechtler stated it did not necessarily end the process but gave the council an opportunity to discuss the matter further. However, he raised the point that in the end, when the economy improves, the village will have to ask itself how it wants to look to others, citing the Ogden Avenue Master Plan. He further stated it was a good attempt by staff and the Downers Grove Economic Development Corporation to resolve an issue. He asked the commissioners to think about those businesses who already tried to conform to the sign ordinance to improve their own image.

WITH RESPECT TO FILE PC-19-09, MR. BEGGS MADE A MOTION TO SEND A POSITIVE RECOMMENDATION REGARDING THE ABOVE PETITION TO THE VILLAGE COUNCIL INCLUDING THE FOLLOWING MODIFICATIONS AS OUTLINED IN STAFF REPORT:

- 1. IN SECTION 1501.02 (2) ADD A NEW SENTENCE, "SIGNS THAT ARE MORE THAN TEN (10) FEET IN HEIGHT AND GREATER THAN THIRTY-SIX (36) SQUARE FEET SHALL BE SETBACK AT LEAST 100 FEET FROM ANY ADJACENT ZONING LOT."**
- 2. IN SECTION 1501.02 (1) ADD "FOR PROPERTIES IN THE B-3 DISTRICT" AFTER "260+ (FT) AND LOT SIZE OF AT LEAST 2.5 ACRES."**

MR. WEBSTER SECONDED THE MOTION.

ROLL CALL:

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

APPROVED 12/7/09

NAY: MR. WAECHTLER

MOTION CARRIED. VOTE: 5-1

Mr. Waechtler explained he voted Nay due his above-mentioned comments and because he believed that if there was a hardship situation, there is a different commission that could review the case. He did not believe the process would be overloaded.

(On a side note, Mrs. Rabatah noted the track changes in the ordinance was confusing. She suggested that staff review the language and make it clearer what is being added and deleted.)

PC-23-09 A petition seeking a Special Use for a self-storage facility in the M-1 Light Manufacturing District for the property located at the southwest corner of Wisconsin and Katrine Avenues, commonly known as 2659 Wisconsin Avenue, Downers Grove, Illinois (PIN 08-12-303-008); James F. Russ, Jr. on behalf of Sievers and Stevens Construction, Petitioner; Downers Grove National Bank, Owner

Due to the potential of a conflict of interest, Mr. Beggs asked to be excused.

Chairman Jirik confirmed that this matter was continued from the previous month. He swore in those individuals who would be speaking on PC-23-09.

Village Planner, Mr. Damir Latinovic, described the petition as a request for a special use on a 3.9 acre lot at the southwest corner of Wisconsin and Katrine Avenues. The property is improved with a vacant one-story 43,732 -square foot office and warehouse building with two parking lots west and south of the building. The subject property is zoned M-1 Light Manufacturing and has similar-zoned properties to the north, west, and east. There is an unincorporated residential area immediately to the south of the subject property. The petitioner is seeking a special use for a self-storage facility. The self-storage facility would be located in the southern portion of the building with approximately 30,900-square feet. The remaining 12,832-square foot northern portion of the building would house the offices for Sievers and Stevens Construction Company. To date, the petitioner is not proposing any major improvements to the site but plans to improve the deteriorating west and south parking lots and provide 56 parking spaces for employees/customers with three handicapped spaces. The petitioner proposes to enclose the vehicle storage areas with an eight-foot high solid fence with two security access gates.

Mr. Latinovic explained the building will have an improved facade with two new towers at the two corners of the building. The building height will still be under 35 feet and comply with the zoning regulations. A new garage door is planned for the west side of the building to access storage units with vehicles and exit on the east side. Mr. Latinovic described the self-storage units will range between five and fifteen feet in both width and length with a maximum height of ten feet. Approximately 133 units are being proposed but could change depending upon demand.

Per staff, the proposed office and self-storage use is consistent with the intent of the Future Land Use Plan. The property is zoned M-1, Light Manufacturing District which includes a self-storage facility as a special use in the district. The proposal meets the requirements of Section 28.1010 of the Village's Zoning Ordinance, all bulk regulations, height requirements, and parking

requirements. Approximately 32% (minimum requirement is 15%) of the lot area will remain as green space.

Details followed on the eight-foot high fence for the outdoor storage area for vehicles. A loading dock on the east side will remain unchanged. A detention area is located on the east side of the property which the petitioner will be required to maintain.

The Fire Prevention Division of the Fire Department reviewed the proposed plans and will require the building to be fully sprinklered and include a full fire alarm and detection system in compliance with Village's standards.

Mr. Latinovic reported that he has received several phone calls from surrounding property owners inquiring about this petition. A call was received from an individual from the adjacent A-1 Storage facility, located west of the subject property. The concern was voiced that the proposed petition could have an adverse economic effect on their business.

In general, Mr. Latinovic stated that staff believes the standards for a special use have been met. The self-storage use is listed as an allowable special use in the district. The proposal will not be detrimental to the health, safety, morals, general welfare or property values in the vicinity. He cited the above-discussed reasons why the proposal should be considered, adding that as a condition of approval, the outdoor storage will have to be limited to parking of vehicles, recreational vehicles, and recreational equipment. Outdoor storage of other materials is not proposed nor permitted.

Based on the above findings Mr. Latinovic recommended that the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the three conditions listed in the staff report.

Questions followed on clarification of the eight-foot fence and its exact location at the rear property. Mr. Waechtler expressed concern about storage units becoming living quarters for individuals, citing a recent newspaper article. However, staff and others mentioned it would be a matter of enforcement.

Mr. Jim Russ, 4915 Main Street, Downers Grove, Attorney, representing the petitioner, Mr. Sievers, stated his client could not attend tonight's meeting. Mr. Russ explained the property's ownership history over the years. The condition of the existing building is deteriorating but his client plans to improve the building and relocate his current office to this location. Because there is excess office space at the proposed property, Mr. Russ stated there could be the potential for additional tenants in the office space portion.

Furthermore, Mr. Russ confirmed, again, that all Village and ordinance requirements are met and the facade will be updated. With this development, Mr. Russ stated his client plans to take 10% of the storage facility's rental profits and return it back to the community to various not-for-profit agencies. The south landscaping screening will remain due to the proximity of the residential district. In reviewing the proposal, Mr. Russ explained that the proposal does provide a benefit to the community and his client was aware of the adjacent facility. He feels there is a need for this type of facility in the community. He noted the storage facility portion is seeking the special use approval. Mr. Russ asked that the commission support the proposal.

APPROVED 12/7/09

Mr. Waechtler complimented Mr. Russ on providing his letter dated October 12, 2009, outlining the petition. He further queried Mr. Russ on the exterior details of the building and asked about the ground contamination from the former printing company. Mr. Russ stated his client was aware and investigating the same. Access in and out of the storage facility was clarified. Security was a concern raised by Mrs. Rabatah. The vehicles stored there will have to be licensed and titled.

Chairman Jirik opened up the meeting to public comment.

Ms. Patty Patenaude, 2701 Wisconsin Avenue, lives and works at the A-1 Storage Facility, 2701 Wisconsin Avenue. She is aware there has been chemical dumping on the property which has not been cleaned up. She voiced concern about the economic impact of the proposal on her business. Regarding the twelve proposed parking spaces on the west side of site, Ms. Patenaude stated the spaces about her retention pond and those spaces provide the only access to her pond for maintenance purposes. She stated there was a 10 ft. utility easement somewhere. Chairman Jirik and others questioned whether an easement or access agreement existed.

Chairman Jirik discussed that it was not customary for commission to enter into a land dispute between land owners. Mr. Latinovic stated the staff was not aware of this information and that the plat of survey only indicates a 10-foot utility easement, not an access easement, and paving with parking spaces does not present a conflict for access for utility companies. However, because this information has come to light, he stated staff will work with both property owners.

The chairman interjected and asked staff and Mr. Russ whether it would be beneficial to continue the matter to allow for more research, wherein Mr. Russ noted that his client had a contract to purchase the property, subject to the special use approval. Additionally, Mr. Russ stated he was not aware of any agreement between the two land owners for access to what was being discussed.

Mr. Bill Gill, 2333 Wisconsin Avenue, stated he is a board member of the LST Group, and has a similar type of storage facility on Wisconsin Avenue two blocks to the east. He, too, heard of a prior chemical spill that had not been cleaned up on the property. Chairman Jirik recommended contacting the EPA. He explained that the Village cannot get involved in environmental clean up of properties. This is solely the responsibility of the Illinois EPA.

There being no further comments, the public comment portion was closed.

Chairman Jirik confirmed the Special Use would authorize the self-storage activity for the site and set the site configuration, but the internal activity in the building would not be regulated by this body. That is regulated through code enforcement. Staff concurred.

WITH RESPECT TO FILE PC-23-09, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD TO THE VILLAGE COUNCIL A POSITIVE RECOMMENDATION REGARDING THE ABOVE SPECIAL USE PETITION WITH THE FOLLOWING CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE SITE PLAN PREPARED BY INTECH CONSULTANTS, INC. DATED OCTOBER 8, 2009, PRELIMINARY CONCEPT ELEVATIONS PLAN PREPARED BY K. PETERSON ASSOCIATES DATED OCTOBER 5, 2009, GROUND FLOOR PLAN PREPARED**

APPROVED 12/7/09

BY K. PETERSON ASSOCIATES DATED OCTOBER 7, 2009 AND SELF STORAGE INSTALLATION PLAN PREPARED BY BETCO, INC. DATED SEPTEMBER 19, 2009 ATTACHED TO STAFF REPORT DATED NOVEMBER 2, 2009 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES.

- 2. THE OUTDOOR STORAGE SHALL BE LIMITED TO PARKING OF VEHICLES, RECREATIONAL VEHICLES AND RECREATIONAL EQUIPMENT, ALL OF WHICH TO BE IN OPERATIONAL CONDITION.**
- 3. THE EXISTING DRAINAGE CHARACTERISTICS ON THE PROPERTY SHALL BE PRESERVED DURING THE RECONSTRUCTION OF THE PARKING LOTS.**

SECONDED BY MRS. RABATAH

ROLL CALL:

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

NAY: NONE

ABSTAIN: MR. BEGGS

MOTION CARRIED. VOTE: 5-0-1 (Beggs abstains)

Staff could not confirm yet if there was a December meeting planned as the submittal deadline is November 11.

MR. WEBSTER MOVED TO ADJOURN THE MEETING. MRS. RABATAH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 11:37 P.M.

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