

APPROVED 06/03/13

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

MAY 6, 2013, 7:00 P.M.

Chairman Webster called the May 6, 2013 meeting of the Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and the public in the recital of the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Webster, Mr. Beggs, Mr. Cozzo, Mrs. Rabatah, Ms. Urban, Mr. Waechtler

**ABSENT:** Mr. Matejczyk, Mr. Quirk

**STAFF PRESENT:** Community Development Planning Director Tom Dabareiner; Village Planners Stan Popovich and Damir Latinovic

**VISITORS:** Ms. Ann Posejpal, 960 75<sup>th</sup> Street, Downers Grove; M. Schees, 6215 Pershing Ave. Downers Grove; D. Gordon, 6237 Pershing Ave., Downers Gove, IL; Pat Sauerland, 1400 16<sup>th</sup> Street., Downers Grove; Mr. Ken Rathje, 412 Chicago Ave., Downers Grove; Mr. Kirk Bishop with Duncan Associates, 212 W. Kinzie, Chicago, IL; Mr. Jeff Jordan, Core 1 Inc., 1434B Brook Dr., Downers Grove; Mr. Tracy Kasson, 300 E. Roosevelt, Wheaton, IL; Frank and Michelle Szoldatits, 7425 Webster, Downers Grove; Mr. Tony Castelvechchi, 4032 Belle Aire Lane, Downers Grove; Mr. Scott Nicholson, Insite Real Estate, 1400 16<sup>th</sup> St., #300 Oak Brook, IL

APPROVAL OF THE APRIL 1, 2013 MINUTES

**THE MINUTES OF APRIL 1, 2013 WERE APPROVED ON MOTION BY MR. COZZO, SECONDED BY MR. BEGGS. MOTION CARRIED BY VOICE VOTE OF 6-0.**

Chairman Webster reviewed the meeting's protocol.

**PC-18-13** Comprehensive Update of the Village's Zoning Ordinance – introductory discussion only.

Director Dabareiner provided highlights on the Village's zoning ordinance noting the work recently started about a month ago and the consulting firm Duncan & Associates was hired to complete the amendment to the Zoning Ordinance and changes to the Subdivision Ordinance.

Mr. Kirk Bishop, with Ducan & Associates, 212 Kinzie Avenue, Chicago, IL, introduced himself and his consulting team for the proposal. The team specializes in urban design and sustainable development, architecture, and design practices. A summary of his firm's professional projects followed, his understanding of the project's objectives, and the project's timeline (Fall 2013 to bring the draft zoning ordinance before the Village Council). Mr. Bishop highlighted some findings from his initial report: making the ordinance user-friendly; reorganize some chapters; possibly

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create a new zoning district focused on public/civic-type uses; continue to keep focus on the downtown zoning in order to keep the downtown vital; and consider broader grouping of land use types and considering specific use regulations. Also, Mr. Bishop explained that administrative and procedural aspects of the ordinance will be reviewed.

Next steps include the plan commissioners reviewing the previously distributed document and emailing any comments to staff which will be forwarded to the consultant prior to the next meeting. During the next month the Plan Commission will be reviewing some draft language for the document as a start, followed by a meeting with the Plan Commission. Director Dabareiner noted that all of the meetings were open to the public and more information could be found on the Village's web site.

**WITH RESPECT TO PC 18-13, MRS. RABATAH MADE A MOTION TO CONTINUE THE MATTER TO A DATE CERTAIN, THAT DATE BEING JUNE 3, 2013.**

**SECONDED BY MS. URBAN.**

**ROLL CALL:**

**AYE: MRS. RABATAH, MS. URBAN, MR. BEGGS, MR. COZZO, MR. WAECHTLER,  
CHAIRMAN WEBSTER**

**NAY: NONE**

**MOTION PASSED. VOTE: 6-0**

**PC-11-13** A petition seeking Special Use approval for a sports and personal training and physical therapy business at 1422 Brook Drive. The property is zoned M-2, Restricted Manufacturing. The property is located at the northwest corner of the intersection of Brook Drive and Centre Circle, commonly known as 1400-1436 Brook Drive, 1401-1425 Centre Circle and 2800-2818 Centre Circle, Downers Grove, IL (PIN 06-30-402-019). Core 1 Inc., Petitioner; VIP MDG, LLC, Owner.

Chairman Webster swore in those individuals who would be speaking on the above petition.

Planner, Mr. Damir Latinovic, reviewed the location of the unit on the overhead map for the commissioners. He summarized that the site was zoned M-2 Restricted Manufacturing and the entire building was approximately 137,000 square feet with 283 on-site parking spaces. The petitioner's use was currently located within the same building at 1434 B Brook Drive. Per staff, the petitioner was granted a Certificate of Occupancy in September 2010 which was a Village error. The person administering the application assumed the property was zoned M-1 which is the zoning for the Ellsworth Industrial Park where such uses are permitted by-right. So when the petitioner came in to relocate to a larger space, he was informed that he needed to get a Special Use because the property is zoned M-2.

Details of the petitioner's athletic business followed. No changes or variations were being proposed for the site or building; just small modifications to the interior of the space.

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Mr. Latinovic summarized that the project met the requirements of the Village's Comprehensive Plan and was consistent with the plan's goals to locate such contemporary uses that fit in small multi-tenant office/industrial parks near Interstates 88 and 355. The project also met the Village's Standards for Approval of a Special Use. Proper publication, signage and neighbor notification was followed and, to date, staff did not receive any comments from the public. Staff recommended that the Plan Commission forward a positive recommendation to the Village Council, subject to staff's one condition in its report.

Mr. Jeff Jordan, co-owner of Core 1, Inc., 1434 B. Brook Drive, Downers Grove introduced himself and stated he was before the commission to receive approval to move to a larger space. He explained that his business is to train junior high and high school athletes with some adult boot camps. Upon a question from the Commission, he explained he was expanding due to having more clients. They do not conduct any training outside of the facility on their property. Occasionally, they have group training at the outdoor fields of Downers Grove North and South High Schools.

Chairman Webster opened the meeting to public comment. No comments received. Public comment was closed. The petitioner had no closing comments. A motion was entertained.

**WITH RESPECT TO PC-11-13, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSTIVIE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITION:**

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT, PLANS AND DOCUMENTS ATTACHED TO THE REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

**SECONDED BY MS. URBAN.**

**ROLL CALL:**

**AYE: MR. WAECHTLER, MS. URBAN, MR. BEGGS, MR. COZZO, MRS. RATABAH,  
CHAIRMAN WEBSTER**

**NAY: NONE**

**MOTION PASSED. VOTE: 6-0**

**PC-15-13** A petition seeking a Zoning Ordinance Map Amendment to rezone the property from R-1, Single Family Residential to B-2, General Retail Business. The property is located at the northeast corner of Main Street and 75th Street and is commonly known as 960 75th Street, Downers Grove, IL (PIN 09-29-104-019). Ann Posejpal, Petitioner; Chicago Title Land Trust Company as Trustee U/T/N 3176, Owner.

Chairman Webster swore in those individuals who would be speaking on the above petition.

Mr. Latinovic turned commissioners' attention to the overhead, reporting the site was currently zoned R-1 Single-Family Residential with a commercial building constructed for an automobile

repair and carwash business. The use was legal non-conforming in that it was legal due to the fact that the use was legally established in unincorporated DuPage County and was non-conforming because it does not comply with current Residential zoning on the property. The property was annexed into the Village in January 2012 as part of the Village-wide annexation project. Commissioners were reminded that upon annexation, all properties are automatically zoned R-1 Single-Family. A brief history of the site, before annexation, followed.

Per staff, because the property was legal non-conforming, the existing use could remain regardless of the rezoning of the petition. A map of the zoning districts surrounding the property were depicted as well as photographs of the surrounding properties. Mr. Latinovic pointed out that many of the uses along 75<sup>th</sup> Street were commercial in nature.

The petition was reviewed as it relates to the Comprehensive Plan with staff explaining that the Plan typically calls for corridor commercial uses along major arterials roads, such as 75<sup>th</sup> Street. The future land use map within the Comprehensive Plan, however, does list the property for residential use. Staff believes this was an oversight and scrivener's error. The building was modern, built in 2007 for an automobile-oriented commercial use, and was well suited considering commercial uses along 75<sup>th</sup> Street. In addition, Mr. Latinovic confirmed the building met all bulk requirements for the B-2 District. The current green space was at 20% versus the 10% required by Code. The petition met the Standards for Approval of Rezoning and there were no plans by the petitioner to change the building or the site. The trend of development along 75<sup>th</sup> Street was for commercial uses. Per staff, the existing building and its use met the requirements of the B-2 zoning classification.

Proper publication, signage, and neighbor notification was completed and, to date, staff received a couple of general inquiries about the nature of the petition. Staff recommended that the Plan Commission forward a positive recommendation to the Village Council on this petition.

Questions followed on clarification of the legal non-confirming issue and what would happen if the building were sold and the use changed. Mr. Latinovic explained that by rezoning the site to B-2 the use would become a legal and conforming use. Then, if a new use listed as a Special Use in B-2 district went into the site or the existing use wanted to expend, a separate approval would be required and would have to be reviewed by the Plan Commission and Village Council. Should the zoning not be changed to B-2, the property would remain residential and be considered legal non-conforming. Should the existing tenant vacate the site, Mr. Latinovic explained that the owners would be given 18 months to re-establish the same type of use. If the 18-month period lapses, only a residential use could be established there because the property is zoned residential.

Mr. Beggs referenced maps on pages 34 and 44 of the Comprehensive Plan as he had questions regarding the Village's boundary lines. He noticed there were no commercial uses proposed for the north side of 75<sup>th</sup> Street between Main and Fairview, to which staff confirmed positively. Mr. Beggs then reviewed the residential map and questioned if the petition were not approved would anything change regarding the current use of the property, wherein Mr. Latinovic explained that the existing use, being very new, should have no changes in the near future. Asked if the commercial zoning was starting to intrude into the residential areas on the north side of 75<sup>th</sup> Street, Mr. Latinovic explained that staff felt it was not, as the new classification for the site would match the existing building and the use on site that was used as commercial for a long time. Additionally, he explained that the area between Main and Fairview on the north side would likely be multi-

family. Further explanation followed regarding the buffering that would have to take place between the residential uses and commercial uses, as defined in the zoning ordinance. Details followed on how the last version of the Future Land Use Map was depicted with existing uses and how the site under discussion “got missed.” Per Director Dabareiner, no effort was made to take the commercial property and turn it into residential.

Per question, Mr. Latinovic proceeded to describe the mass annexation project that took place in January of 2012 by the Village, which included a number of properties at the northwest corner of the Village and small pockets on the south side. Details followed.

Petitioner, Mr. Tracy Kasson, 300 E. Roosevelt, Wheaton, IL, attorney for the landowner, Chicago Title Land Trust, confirmed he was before the commission because the property was forced annexed in 2012. Under the county’s jurisdiction, Mr. Kasson reported that the property was commercial with B-2 zoning and was commercial for many years prior. He believed the property should be rezoned as such in order to conform to what its use was and what the trend of development was. Residential use was not its highest and best use. Mr. Kasson reiterated that the proposal conformed with all of the B-2 bulk standards, etc. The Standards for Rezoning were briefly reviewed again. As to the uses, Mr. Kasson understood that the business was primarily oil change, but their list of services included some transmission fluid change and repair, similar to a Jiffy Lube.

Mr. Waechtler raised concern about noise spilling over into the residential areas, the hours of operations, and some fence issues, wherein, Mr. Kasson explained he did not know the hours of operation but agreed that the operator would have to meet the Village’s performance standards. Director Dabareiner explained the fence would be a code enforcement matter that will be addressed and fixed. As to hours of operation for the business, Mr. Latinovic stated it was Monday through Friday, 8:00 a.m. to 7:00 p.m.; Saturday and Sunday, 8:00 a.m. to 5:00 p.m. However, Mr. Dabareiner clarified that the hours could be limited to the existing hours. Mr. Kasson stated his client could work with the Village to address any issues but no changes are proposed to the existing use or the building on the property. Per a question, Mr. Latinovic stated he was not aware of the business using speakers, as he visited the site several times. He agreed noise issues could be addressed under the environmental standard requirements that apply for commercial properties but not for residentially zoned properties.

Asked if the rezoning takes place, could the automobile repair use intensify, wherein Mr. Latinovic stated not without the special use approval and the owner would have to appear before the commission. Currently, there was no need for the owner to go through the special use process, since the special use was legally established in the County and automatically became legal in the Village if the rezoning was approved. Mr. Kasson proceeded to explain why the B-2 rezoning was necessary.

Chairman Webster opened up the meeting to public comment.

Mr. Frank Szoldatits, 7425 Webster, Downers Grove, was sworn in and discussed the openings and closings of the car wash over the years and voiced concern that if the site is zoned commercial and becomes vacant again, who was to stop someone from coming in with another commercial business. He asked the commissioners to consider that and the fact that there is noise when the car wash is operating. Also, from his observation, the traffic pattern over the years has remained the same since

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he has lived in his home. He believed if the current business could function under the current zoning as a car wash, there was no need to change the zoning. However, if the zoning was changed to commercial, the building could be razed for something else.

Ms. Michelle Szoldatits, 7425 Webster Street was sworn in and asked staff to provide examples of B-2 general retail uses that could be built on the site, wherein Mr. Latinovic mentioned some uses listed in the Code as permitted uses.

Hearing no further public comment, Chairman Webster closed public comment.

Chairman Webster invited the commissioners to respond to public comments; no comments followed. The petitioner was then invited to respond to the public comments.

Mr. Kasson reiterated that the commercial zoning existed prior. Given the size of the property, he did not believe something like a Walgreens could be built on the site. Also, Mr. Kasson did not believe that the building would come down if the business did not succeed, since it was a new building with existing internal equipment, which was why the trust was able to lease the building again for that type of use. He closed by stating he believed the B-2 zoning was appropriate in this instance.

Per a question, Mr. Latinovic clarified that if the zoning was approved for B-2 zoning but the current business closed, another applicant could come in (with a by-right permitted use) and not be required to come before the Plan Commission.

For the record, Chairman Webster stated he believes that the standards have been met by the petitioner and as discussed by staff. Mr. Waechter reiterated that in the future, staff provide additional information or someone present to answer questions regarding the existing or proposed use associated with the petition. Ms. Urban asked fellow commissioners to consider the bulk annexation of the property, noting this property was part of that annexation and that the property owner did seek and received a Special Use in 2007 from the county. She summarized her thoughts of the discussion.

**WITH RESPECT TO PC 15-13, MS. URBAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL.**

**SECONDED BY MR. COZZO.**

**ROLL CALL:**

**AYE: MS. URBAN, MR. COZZO, MRS. RABATAH, MR. WAECHTLER, CHAIRMAN WEBSTER**

**NAY: MR. BEGGS**

**MOTION CARRIED. VOTE: 5-1**

Mr. Beggs explained he was the dissenting vote because he disagreed with staff that the Comprehensive Plan allowed the property to be designated as residential in the future as an

oversight referencing the two maps that showed the property for residential use. He disagreed with the proposition that the rezoning to B-2 is consistent with the Comprehensive Plan. Also, he stated no change would occur to the existing business if the commission did not recommend the change to B-2. The business would continue as it has in the past. He recalled a case on the west side of Main Street where residents in the area raised concern to preserve the residential character of the area. He did not agree that keeping the present zoning was confiscatory.

**PC-14-13** A petition seeking a Zoning Ordinance Map Amendment to rezone the property from R-4, Single Family Residential to B-3, General Services and Highway Business. The property is located on the east side of Highland Avenue approximately 135 feet north of Ogden Avenue, commonly known as 4249 Highland Avenue, Downers Grove, IL (PIN 09-05-118-012. Ogden Industries, LLC, Petitioner; The Chicago Trust Co. N.A. TR#BEV-3311, Owner.

Chairman swore in those individuals who would be speaking on the above petition.

Planner, Mr. Stan Popovich, walked through the petitioner's request and noted the property on the overhead. This matter was before the commission last month for a special use for an automobile repair and laundry shop. Site specifics were reviewed. Per staff, the petitioner was seeking the rezoning to more accurately align the use with the appropriate zoning classification and to meet the goals of the Comprehensive Plan to expand commercial depth along the Ogden Avenue and commercial corridors. There were no plans to modify the existing parking lot except to make improvements per the previously reviewed special use for the 946 property. Surrounding zoning classifications were pointed out on the overhead map, noting a barrier was installed across Highland Avenue when Walgreens was approved. The location of the barrier basically splits the commercial side of Highland Avenue from the residential side of Highland Avenue.

The proposed rezoning, per staff, will meet the goals of the Village's Comprehensive Plan and will assist in future redevelopment; it is consistent with Comprehensive Plan; it is consistent with the B-3 bulk requirements; and the site will remain a parking lot. Proper publication, signage, and neighbor notification was sent out with staff reporting that no public comment has been received.

A review of the Findings of Fact followed in more detail with staff recommending the Plan Commission forward a positive recommendation, with respect to the rezoning, to the Village Council. Per commissioner questions, the alley was part of the TIF District and the alley would remain as an alley. TIF boundaries were pointed out.

Mr. Ken Rathje, 412 Chicago, Downers Grove, stated he is representing the trust, as owner. Ogden Industries was the beneficiary of the trust. Mr. Rathje recalled that this petition was raised by staff during the preparation of a petition last month for the 946 address. During that time staff was recommending and suggested a "tie-in" of a rezoning with the special use. Since that time, Mr. Rathje stated the owner has been interested in following staff's recommendation of pursuing a rezoning to B-3. Currently there was a special use on the property for a parking lot and there were plans to improve the parking lot, i.e., adding islands, lighting, etc. A history of the area's nearby zoning followed.

The Finding of Facts for the rezoning amendment were then reviewed by Mr. Rathje in greater detail. He asked the commissioners for a positive recommendation.

Chairman Webster opened up the meeting to public comment.

Mr. Tony Castelvechi, 4032 Bell Aire Lane, Downers Grove, was sworn in and stated he is the owner of the property at 4230 Lindley, 4224 Lindley, and in the process of purchasing another home on Lindley. He did not see a reason for changing the zoning, pointing out the petition prior to this one. His concern was that 4249 Highland turns into a parking lot and then development starts “chipping down the block” and comes closer to his houses. He stated that if the site was residential, someone could purchase 4245 Highland, install a fence, and extend the lot. He did not see how the property could never be used for a house.

Mr. Popovich reminded the commissioners that much work and public input went into the Comprehensive Plan and the lines for the commercial corridors were taken seriously by staff. Staff looked at where commercial depth could be added along Ogden Avenue and this particular property was one of the properties that could be added. Mr. Popovich delineated the commercial boundary lines.

Mr. Castelvechi then questioned a straight boundary (to the east of Lindley and to the west of Highland Ave.) in regards to making Ogden Avenue the depth for commercial. He did not understand how 50 feet could be dropped, wherein Director Dabareiner responded that this discussion took place in a number of prior hearings. Staff confirmed for Mr. Castelvechi that the northern property line of the parking lot was the commercial boundary, as recommended by the Village’s Comprehensive Plan.

Hearing no further public comment, public participation was closed. No questions followed to or from the petitioner. Mr. Rathje thanked staff for their clarification of the delineation of the commercial zoning.

**WITH RESPECT TO PC 14-13, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL.**

**SECONED BY MRS. RABATAH.**

**AYE: MR. COZZO, MRS. RABATAH, MR. BEGGS, MS. URBAN, MR. WAECHTLER,  
CHAIRMAN WEBSTER**

**NAY: NONE**

**MOTION CARRIED. VOTE: 6-0**

**PC-16-13** A petition seeking a Zoning Ordinance Map Amendment to rezone the property from M-1, Light Manufacturing to B-3, General Services and Highway Business. The property is located at the southwest corner of Warrenville Road and Cross Street, commonly known as 2551 Warrenville Road, Downers Grove, IL (PIN 08-01-302-018). InSite Real Estate, LLC, Petitioner; Arboretum View, LLC, Owner.

Chairman Webster swore in those individuals who would be speaking on the above petition.



Mr. Popovich reviewed the request before the commissioners, pointing out the location of the two-story property on the overhead. The property was surrounded by B-3 zoning and included a parking lot with a temporary MRI trailer. A temporary use (180 days) for the MRI trailer was currently in place. Per staff, the petitioner wanted to construct a building addition to house the trailer on the east side of the property. The M-1 zoning district required a 35 ft. front yard setback, where a rezoning to B-3 would require a 25 ft. yard setback and allow the petitioner to seek a 50% setback variation to allow an addition up to 12.5 feet from the east property line. Per Mr. Popovich, the petitioner was taking the first step in a three-step process.

Staff summarized that the proposal was consistent with the Village's Comprehensive Plan, it was within the commercial corridor area, and the current facility was an animal hospital which served the surrounding neighbors and community. The property was zoned M-1 Light Manufacturing but an animal hospital was a permitted use in both the M-1 and B-3 zoning districts. Bulk requirements for the M-1 and B-3 classifications were referenced.

Proper publication, signage and neighbor notification was provided and staff received no public comments to date. Mr. Popovich reviewed the Findings of Fact for the rezoning in more detail and stated, based on the findings, he believed the rezoning was consistent with the Zoning Ordinance, the Village's Comprehensive Plan, and the land use development pattern in the area. He asked that the Plan Commission forward a positive recommendation to the Village Council.

No questions were received from the commissioners. The petitioner was invited to speak.

Mr. Scott Nicholson, with Insite Real Estate, representing Arboretum View, stated he was seeking to rezone to B-3 zoning to be more in line with the intent of the Comprehensive Plan. The business met the needs of the local residents. There were no negative impacts to the residents.

Mr. Nicholson stated he was seeking the rezoning in order to construct a permanent MRI unit for the animal hospital as compared to what was currently there. A brief background followed regarding Arboretum View and it being the top small animal vet facility in Downers Grove.

Public comment was opened; no public comment received. No questions were received from the commissioners and no closing comments were received from Mr. Nicholson.

Commissioner comments followed that the request was in line with the map on Page 44 of Comprehensive Plan, the request was reasonable, and the Standards for Approval had been met. The chairman agreed.

**WITH RESPECT TO PC-16-13, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL.**

**SECONDED BY MS. URBAN.**

**AYE: MRS. RABATAH, MS. URBAN, MR. BEGGS, MR. COZZO, MR WAECHTLER,  
CHAIRMAN WEBSTER**

**NAY: NONE**

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**MOTION PASSED. VOTE: 6-0**

Per Question, staff provided an update on the property at the southeast corner of Ogden Avenue and Belmont Road. Chairman Webster publicly congratulated former Chairman Hose for being elected to Village Council and also thanked his fellow commissioners for their continued assistance in helping him with this process.

**THE MEETING WAS ADJOURNED AT 9:40 P.M. ON MOTION BY MS. URBAN,  
SECONDED BY MR. COZZO. MOTION CARRIED BY VOICE VOTE OF 6-0.**

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