

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COMMITTEE ROOM
801 BURLINGTON AVENUE**

Thursday, November 7, 2013

I. CALL TO ORDER

Chairman Strelau called the November 7, 2013 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Mr. Clary, Ms. Fregeau, Ms. King, Chairman Strelau

ABSENT: Mr. Austin, Mr. Jacobson, Mr. Krusenoski

STAFF: Liaison to the Liquor Commission Carol Kuchynka, Staff Attorney Dawn Didier

OTHERS: Avani Patel, Anna Binetti, Mohammed Ali, Ehab Ali, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the September 9, 2013 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the September 9, 2013 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

IV APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

"The first order of business is to conduct a public hearing for liquor license applications. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner."

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

Fairview Mart & Tobacco - 402 75th Street

Chairman Strelau stated that the next order of business was an application hearing Preet, Inc. d/b/a Fairview Mart & Tobacco located at 402 75th Street. She stated that the applicant was seeking a Class "P-2", beer and wine, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Ms. Avani Patel and Ms. Anna Binetti were sworn in by the court reporter. Ms. Patel introduced herself as a relative of the owner of Preet, Inc. Ms. Binetti introduced herself as general and liquor manager.

Chairman Strelau asked the applicant to present its case.

Ms. Binetti stated that they are operating a convenience store at the corner of 75th and Fairview. She stated that they sell groceries, pop, chips and household items. Ms. Patel added that they are seeking a beer and wine license.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka stated that the store is currently in operation and a certificate of occupancy has been granted. She added that issuance of the license is contingent upon receipt of dram shop insurance, the annual fee and satisfactory background checks.

Chairman Strelau asked for comments from the public. There were none.

Ms. King asked Ms. Binetti how many hours a week she would be working. Ms. Binetti replied 35 to 40 hours per week.

Ms. King asked how many employees would be working in the store. Ms. Patel stated that there are three now. She stated that if a liquor license is issued they plan to add 1-2 more employees.

Ms. King asked them about their experience. Ms. Binetti replied that she had worked 18 years in the gaming industry which was very strict. She stated that although customers had to be 21 to get in, dealers still had to verify age and noted that they were strict in carding and asking patrons for identification.

Ms. King referred to the liquor manual which referred to suspension of the license. Ms. Patel replied that anyone involved in the sale would lose their job and have to pay the penalty.

Ms. King stated that the wording of the manual should be clarified about what identification is accepted. She stated that the wording about which identification presented "should be one with a picture on it" was confusing. She stated that the types accepted are listed and recommended that they indicate whether or not they will accept the vertical license. Ms. Binetti agreed. Ms. Patel added that they will not accept the vertical license.

Ms. King asked Ms. Binetti about her liquor handling experience. Ms. Binetti replied she was a casino dealer, however had some bartending experience from 30 years ago.

Ms. King asked if they have a 50 state identification guide at the register. Ms. Binetti replied yes and that they have signs posted on the doors and cash register.

Ms. King asked if the cash register prompts for the date of birth to be entered for liquor sales. Ms. Patel replied yes and when certain items are scanned the date of birth needs to be entered. She stated that they could also use the lottery machine to scan the validity of identifications.

Ms. King asked what hours she will be working. Ms. Binetti replied often. She noted that they have a lot of traffic in the store from 4PM to 8PM as they have commuters from the bus that come in for quick purchases.

Ms. King asked who will be working in the store when Ms. Binetti is not working. Ms. Patel replied herself or her husband. Ms. King asked what experience he had. Ms. Patel advised that she and her husband had eight years of experience by selling beer in a Wisconsin convenience store.

Ms. King asked if they had any violations. Ms. Patel replied that they received a ticket for working without a certification but were unaware of the requirement when they began working.

Mr. Clary noted their liquor handling experience and asked Ms. Binetti about her experience and if it was strictly as a dealer or alcohol server in the casino. Ms. Binetti replied that she was a dealer.

Mr. Clary asked how often her husband will work. Ms. Patel replied he will fill in here and there. She stated that any one of the three of them will always be in the store.

Ms. Fregeau stated that management sets the tone and tenor of the establishment. Ms. Fregeau referred to their manual and suggested that they clearly spell out their policy and be specific as possible. She stated that they should be specific as to what to look for when requesting identification. Ms. Binetti replied that they can revise the manual to be more clear.

Ms. Fregeau asked about their training procedures and how employees receive training. Ms. Patel replied that employees will be given the manual upon hire and will be required to take the certified training course prior to starting work. She stated they will have monthly training meetings.

Ms. Fregeau asked if all current employees are certified. Ms. Patel replied her and her husband are. Ms. Binetti replied she was certified.

Ms. Fregeau stated that staff has other manuals for sample language for their review. Ms. Patel replied that she has been provided it. Ms. Fregeau stated that it is good to have the manual spelled out for employees.

Ms. Fregeau suggested that they include an incident report. Ms. Patel stated that was discussed in the course she took. She asked if they needed to maintain a book of reports.

Ms. Kuchynka advised that they have the option to include the incident report in the event they need to document a liquor-related incident. She stated that there was a form included in the sample manual she provided to Ms. Patel. She stated that if and when an incident occurs, staff should be encouraged to write down a record of the incident, whether it be an underage purchase attempt or if they refuse a sale due to intoxication. She stated a log is used as protection for the store in the event there is a dram shop insurance claim down the road. She stated that most refused sales are when a patron is intoxicated and noted that is more typical in a 24 hour store that sells until 1AM or 2AM respectively. Ms. Patel stated that they close at 10 pm. Ms. Kuchynka noted that their incident rate may be low.

Ms. Kuchynka stated that it is recommended that licensees maintain the records for a period of two years, which mirrors the statute of limitations. She stated that they can keep a binder behind the register and use

a copy of the form she provided in the sample manual. Ms. Patel agreed to include an incident manual/book at the register to keep a log of problems. Ms. Patel stated that she also has a form to use that she obtained from her certification class where they can include the name, time and the reason for the report.

Ms. Fregeau asked if they were familiar on how to spot fake identification. Ms. Patel stated that the lottery machine will scan the bar code on an id which tells the date of birth. She stated that the id will not scan if it is not authentic.

Chairman Strelau stated that they indicated liquor stock on the floor and noted that the declaration page indicated 20% in liquor sales. She reminded them that they cannot devote more than 25% of their floor space to liquor products under the terms of their license category.

Chairman Strelau noted that they will be open one hour prior to the 8AM liquor sales and asked them how they will ensure that no sales will be made prior to 8AM. Ms. Patel replied that there are locks on the cooler doors. Chairman Strelau asked how they will secure the liquor on the shelves. Ms. Patel added that there will be only one shelf of display where they can rope off the area during non-sale hours. Chairman Strelau cautioned them to be cognizant of liquor selling hours.

Chairman Strelau stated that their manual indicates they will take armed forces identification and alien registration cards and cautioned them on the acceptance of those. She suggested that they accept those identifications that they can run through the lottery machine for verification.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "P-2" liquor license application.

MS. KING MOVED TO FIND PREET, INC. D/B/A FAIRVIEW MART & TOBACCO LOCATED AT 402 75TH STREET, QUALIFIED FOR A CLASS "P-2", BEER AND WINE, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

VOTE: Aye: Ms. King, Mr. Clary, Ms. Fregeau, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Motion carried.

Savemax Liquor & Cigar Expo - 1728 Ogden Avenue

Chairman Strelau stated that the next order of business was an application hearing for Savemax Retail, Inc. d/b/a Savemax Liquor & Cigar Expo located at 1728 Ogden Avenue. She stated that the applicant was seeking a Class "P-1", full alcohol, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Mohammed Ali and Mr. Ehab Ali were sworn in by the court reporter. Ehab introduced himself as president of Savemax and Mohammed introduced himself as general/liquor manager of Savemax.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of dram shop insurance, a Certificate of Occupancy, the annual fee and satisfactory background checks and certified training certificates.

Chairman Strelau asked the applicant to present its case.

Mohammed stated that they are looking to open a 4,500 square foot liquor store on Ogden Avenue. He stated that they intend to operate in Downers Grove long term and added that they were able to negotiate a lease which will give them up to 28 years of occupancy.

Chairman Strelau asked for discussion from the Commission.

Ms. Fregeau stated that Mohammed has a lot of experience in food and liquor service as indicated on the liquor manager application. She asked what his biggest challenge was in the liquor business. Mohammed replied that if one cares about their license and abides by the rules they should not have issues.

Mohammed advised that he once obtained a store where half the volume of sales were coming from sales to minors. He stated that the store was known for selling to minors and the word spread and that minors were coming from miles away. He stated that when he took over he turned the minors away and the sales plummeted. He stated that he turned the store back over to the previous owner.

Mohammed stated that 1975 was when he first worked in a liquor store that was his brothers. He stated he has also operated a supermarket. He stated that he opened his own liquor store in 1983 in New Lenox which he sold to his nephew. He stated that he has never had a violation and has been in the business for a long while.

Ms. Fregeau noted that the declaration page indicated 70% of liquor sales. Mohammed agreed and stated that they would be selling premium liquors and cigars. He stated that they will have some humidior cases. He stated that they will have some snack items and other tobacco products.

Ms. Fregeau asked how many employees they will hire. Mohammed replied 4-10 and will depend on the store sales volume. He stated that they hoped to hire their employees from the community.

Ms. Fregeau stated that she was impressed with their manual and liked the proactive ways they reward employees for good work.

Ms. Fregeau stated that she liked how they explained they will assess/observe/engage a customer to evaluate their behavior before a sale is made.

Ms. Fregeau referred to the consequences of selling to a minor and what constitutes "severe" warnings and wondered how severe a violation would have to be in order to result in termination. She stated that employees, per their policy, get three severe warnings. Mohammed stated that there are various violations of policy, some being liquor related or if a person comes in late. Mohammed stated that an employee issued a citation for selling to a minor is a severe violation. He referred to the violation section of his manual. He stated that he wants to give his employee a sense of job security. He stated that the first violation of guidelines they will get a 3 day suspension without pay; a second violation would be two

week suspension without pay and third violation will result in termination. He stated with each violation he would also offer retraining.

Ms. Fregeau noted that a number of licensees have a zero tolerance policy with immediate termination if their employees serve a minor. She felt that three severe warnings for serving an underage person seemed generous. She stated, if taken literally, an employee can sell to a minor three times before being terminated. She stated that was her concern and noted that the manual goes into great detail, care and concern in other regards.

Chairman Strelau asked staff concerning Village policy against establishments with repeat violations in five years. Ms. Kuchynka replied that a first violation can result in suspension from 1-3 days, a second violation can result in 2-5 days. She stated it progresses after each violation.

Chairman Strelau asked if penalties are considered within a five year period. Ms. Kuchynka replied that the licensee's violation history is taken into consideration for the past five years.

Chairman Strelau asked for a run down in fees. Ms. Kuchynka stated that the Village can only charge up to \$15,000 a year in fines. Chairman Strelau noted that three violations in five years will result in extenuating circumstances.

Mohammed stated that he can change the policy to immediate termination for those involved in a sale to a minor.

Ms. Fregeau noted that employees who offer free alcohol to a minor or alcohol to an intoxicated individual risks immediate termination earlier in the manual, but selling to a minor could bring first, second and third severe warnings.

Chairman Strelau stated that the Commission wants to be clear as to what penalties a licensee faces if they have liquor violations. She wants them to write an employee policy that covers their investment and for them to understand what will happen if they have three violations in a five year period.

Mohammed replied that one violation will drastically affect them. He understands their point and could stick to the policy for termination. Ms. Fregeau stated that selling to a minor is a big deal and should result in more than a severe warning to an employee.

Ms. Didier stated that if the licensee is not willing to terminate the employee, it should not be written in the manual. Mohammed stated that they "risk" termination and would leave that language in.

Ms. King asked if the \$500 citation issued to a clerk involved in a sale to a minor is included in the manual. Mohammed replied yes and that it was on the bottom of page two. He noted in addition to the fine the employee risks being criminally charged.

Ms. Fregeau asked about the floor plan and wondered if the shelves would be a combination of cigars and alcohol. Mohammed replied that the shelves will contain liquor, wine and beer. He stated that the entrance is on Ogden Avenue. He stated that most tobacco will be behind the cash register counter and there will be a humidor for cigars and walk in coolers for refrigerated beverages.

Ms. Fregeau asked if they have cameras or mirrors near the walk in coolers so they are able to monitor the area. Mohammed replied that there are cameras throughout. He stated that the cashier area is centrally located where he can monitor his customers.

Mr. Clary stated that Mohammed has been doing this all of his career. Mr. Clary asked how many violations he had. Mohammad replied none.

Mr. Clary asked how long were they able to negotiate the lease. Mohammed replied three years with five 5-year options to extend.

Ms. King asked about their training and how it has been so successful. Mohammed replied that he has operated other businesses as well. He has overseen 20+ employees who have stayed with him 10+ years. He stated that he values his employees and wants them to feel secure in their job.

Chairman Strelau asked where the store is located on Ogden. Mohammed replied it was one block west of the McDonald's. Ms. Kuchynka noted that it used to be the Hertz car rental.

Chairman Strelau was impressed with the manual and liked that they offered a bonus for those who pass the control buy test. Mohammed stated in one of his other businesses he posted the letters of successful tests on the wall.

Chairman Strelau asked how many employees they will hire. Mohammed replied 4-10. Chairman Strelau asked if any will be under 21. Mohammed replied that they will do their best to hire all that are over 21 and did not foresee having anyone underage working in the store.

Ms. Fregeau stated that he brings experience that the Commission does not often see. She wanted him to protect his business and wanted him to succeed and hoped they did not feel her comments about the warnings as being harsh. Mohammed stated that he appreciated her comments. Chairman Strelau noted that Downers Grove has strict regulations and wanted him to be fully aware of the penalties.

Mohammed stated that minors will know that they will not get alcohol. He stated 90% of business is from repeat customers. He stated they will refuse sales to the other 10% if there is any doubt about their age.

Mohammed hoped to have premium, exotic beers that will be hard to find. He stated that there is a market for high end products.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "P-1" liquor license application.

MR. CLARY MOVED TO FIND SAVEMAX RETAIL, INC. D/B/A SAVEMAX LIQUOR & CIGAR EXPO LOCATED AT 1728 OGDEN AVENUE, QUALIFIED FOR A CLASS "P-1", FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. FREGEAU SECONDED.

VOTE: **Aye:** Mr. Clary, Ms. Fregeau, Ms. King, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Motion carried.

V. OLD BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka reported that there was an ownership change for Capri which was placed on file with the Village Clerk's office.

Ms. Kuchynka stated that she provided the Commission with the Barbakoa menu. Chairman Strelau asked if they were open. Ms. Kuchynka replied that they opened October 11th. Chairman Strelau asked why they did not appear before the Commission. Ms. Kuchynka stated that Barbakoa was formerly Xtapa and that the name change was discussed in correspondence to the Commission in a month end report. Ms. King noted that it took a long time to open since they appeared before the Commission. Ms. Kuchynka stated that they were supposed to open in March, however, there were some differences in opinions in the name and decor that were discussed by owners over a number of months.

Ms. Kuchynka stated that she provided the Commission with an updated classification chart.

Ms. Kuchynka stated that she provided information to the Commission concerning the increase in number of full alcohol, off premise consumption licenses being made available. She stated that the ordinance was amended to accommodate potential applicants.

Ms. King asked how Gnarly J's was doing. Ms. Kuchynka replied well. She noted that they have held a few charity events. She stated that there have been issues with parking, which has historically been a problem in this area. She stated that it is a private parking lot and the Village has no jurisdiction over the assignment of parking. She stated that they have adequate parking for the entire complex.

Ms. Kuchynka reminded the Commission that license holders may serve an extra hour on Thanksgiving Eve. She stated that the Police Department will be notified.

Ms. Kuchynka noted that some licensees contacted her about the daylight savings time change. She stated licensees were advised that they were not allowed to sell for the extra hour as, technically, they would be serving until 3AM.

Ms. Kuchynka noted that Halloween weekend was quiet. She noted that there were a number of activities and special events going on throughout town.

VI. NEW BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka advised that there may or may not be a December meeting. She stated she was awaiting word from the Mayor on the Trader Joe's application for upgrade to their beer and wine liquor license. She added that they need only a minor change to their manual with regard to the class of license they hold. Chairman Strelau recalled a violation there. Ms. Kuchynka replied that there was one violation in 2006 and they have had a clean record ever since. She stated that they are not increasing the liquor area, only taking out some of the wines and replacing them with alcohol items. She stated that the Mayor has

the option to place the application on file with the Village Clerk and barring any objections, may issue an upgraded license after two weeks.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

Concluding business for the evening, Chairman Strelau called for a motion to adjourn.

Ms. Fregeau moved to adjourn the November 7, 2013 meeting. The meeting was adjourned by acclamation at 7:35 p.m.

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE**

Thursday, March 6, 2014

I. CALL TO ORDER

Staff called the March 6, 2014 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Mr. Austin, Mr. Clary, Mr. Jacobson, Mr. Krusenoski

ABSENT: Chairman Strelau, Ms. Fregeau, Ms. King

STAFF: Liaison to the Liquor Commission Carol Kuchynka, Asst. Village Attorney Dawn Didier

OTHERS: Dawn Mueller, Mark Longenecker, David Yob, Pete Kosanovich, Mark Hedrick, Court Reporter

III. APPOINTMENT OF CHAIRMAN PRO TEM

In the absence of Chairman Strelau, staff requested a motion to appoint a Chairman Pro Tem for the meeting.

**MR. CLARY MOVED TO APPOINT MR. KRUSENOSKI TO ACT AS
CHAIRMAN PRO TEM FOR THE MARCH 6, 2014 MEETING OF THE
LIQUOR COMMISSION. MR. AUSTIN SECONDED.**

VOTE: **Aye:** Mr. Clary, Mr. Austin, Mr. Jacobson, Mr. Krusenoski

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

The motion carried.

IV. APPROVAL OF MINUTES

Chairman Pro Tem Krusenoski asked for approval of the minutes for the November 7, 2013 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the November 7, 2013 minutes of the Liquor Commission meeting were approved as written.

Chairman Pro Tem Krusenoski reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

V. NEW BUSINESS

Chairman Pro Tem Krusenoski asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Oak Trace - 200 Village Drive

Ms. Kuchynka stated that staff has prepared a draft ordinance based on a request for the creation of a retirement home facility liquor license classification.

Ms. Kuchynka stated that there were a few minor changes to the draft based on her discussion with Oak Trace. She stated that the definition of the facility will be revised to state: a multi-family dwelling complex "with health center"... She stated that Oak Trace also requested a clarification in the classification section and requested that "residents" be amended to "clients" of the retirement facility as some members of the health center are not permanent residents of the facility.

Ms. Kuchynka requested that individuals representing Oak Trace step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Ms. Dawn Mueller and Mr. Mark Longenecker were sworn in by the court reporter. Ms. Mueller introduced herself as the Director of Administrative Services for Oak Trace Lifespace Community. Mr. Longenecker introduced himself as the Executive Director of Oak Trace.

Ms. Mueller stated that Oak Trace has been in operation at 200 Village Drive since 1973. She stated that in 2011, Lifespace acquired the facility. She added that there are 11 other Lifespace communities in the United States. She stated that they are seeking liquor service as all other facilities are currently licensed and that they have received numerous requests from their residents.

Ms. Mueller stated that liquor service will be provided to residents of the complex in the dining areas. She stated that liquor service will be limited to residents and their guests. She added that they would also like to be able to serve alcohol at private functions and marketing events that will be by invitation only.

Ms. Mueller stated that they are a continuing care facility with independent living. She stated that there are 218 apartment buildings and 56 town & garden homes and 175 beds in the health center. She stated that services range from assisted living to full scale nursing care.

Chairman Pro Tem Krusenoski asked for comments from the Commission. Mr. Austin asked staff if Oak Trace was looking for a specific license classification. Ms. Kuchynka stated that the Village did not have a classification in the Code that would fit their activities. She stated that there are no other retirement communities licensed in the Village. She stated that Lombard licensed one of their Lifespace facilities as a not-for-profit club.

Mr. Austin noted that the restaurant classification may not work as the service of food is not their primary function. Ms. Kuchynka replied that most liquor at the facility will be served in conjunction with meals, however, Oak Trace is proposing to host marketing events for potential clientele. She stated those could be considered private functions, but the Village would need notification. Ms. Mueller stated that the dining rooms are not open to the general public.

Mr. Austin asked staff how hotels are licensed. Ms. Kuchynka replied that they hold a Class "H" license. She stated that they are required to have a 125-dining seat restaurant. She added that alcohol sales are

allowed in the restaurant, lounges, with room service, in banquet hall areas and they also are allowed beer and wine packaged sales. Ms. Kuchynka noted that the retirement complex will not be allowed packaged sales, however, private residents can purchase their own alcohol from local retailers.

Mr. Austin questioned if the Village can issue a license to the complex under an existing classification rather than create a new class. He stated that they are serving alcohol to guests in a dining environment and that maybe they could qualify and meet the protocols of a restaurant. Ms. Kuchynka replied that the restaurant is defined as a place where meals are regularly served to the public. She also noted that the restaurant was not their primary business.

Ms. Mueller stated that residents get a meal a day, which is included in their services. Mr. Austin asked if drinks will be charged separately. Ms. Mueller replied that drinks will be charged to the residents accounts. She stated that they looked at the restaurant class, however, it also states “without sleeping accommodations”. Mr. Austin stated he would rather utilize a license already in the code, but noted that might not be possible.

Mr. Austin asked if liquor service will be in other areas or banquet areas of the facility. Mr. Longenecker replied yes and added that they are for the residents use.

Mr. Clary asked if there was a standard format that the other facilities follow concerning the service of alcohol. Ms. Mueller stated that their most similar facility is in Lombard and they will be utilizing their knowledge and policies when preparing their own policy for alcohol service.

Mr. Clary asked if the current employees will be serving liquor. Ms. Mueller replied yes.

Mr. Jacobson asked about the site and if the whole area was included in liquor service. He noted that there are five dining rooms and common areas for events. Ms. Mueller replied yes. Mr. Jacobson also noted that there were a number of outdoor patios. Ms. Mueller noted that there are some private outdoor areas at some residences and that liquor service would not be served in these private areas. She stated that alcohol service will be available to all residents in the patios adjacent to the dining rooms, the roof top garden and pavilion.

Ms. Kuchynka read the definition to the Commission for restaurant which is “Any public place kept, used, maintained, advertised or held out to the public as a place with the service of food and drink, and where meals are regularly served, without sleeping accommodations, and where adequate provision is made for sanitary kitchen and dining room equipment and capacity and a sufficient number of employees to prepare, cook and serve a reasonable variety of meals for its customers....” She stated that staff opted to create a category for the retirement facility as it did not meet existing codes.

Chairman Pro Tem Krusenoski stated that to classify the retirement facility as a restaurant would be an odd fit.

Ms. Kuchynka stated that it fits in with the service of meals, but staff also took into consideration the license fee for this class. She stated less staff time and resources will be devoted to this license class and felt that control buys would not be warranted as they will be primarily serving age 55+ residents.

Mr. Austin asked how many residents would dine in the restaurants on a daily basis. Ms. Mueller replied approximately 273 residents at least once a day.

Mr. Austin asked how the hotel definition read. Ms. Didier replied “A building or group of buildings used in conjunction with one another as a lodging facility providing sleeping accommodations for

compensation to travelers and guests, whether transient, permanent or residential and in which one hundred or more rooms are provided for such purpose.” Mr. Austin replied that might be a fit.

Chairman Pro Tem Krusenoski asked if the Council was meeting before the next Commission meeting. Ms. Kuchynka replied they meet on March 11th and 18th. Ms. Kuchynka stated that there is not a rush with this amendment to the ordinance. She stated whether they are classified under an existing license or if a new class is created, any ordinance change will need to be voted upon by Council.

Ms. Didier noted that the hotel license authorizes the retail sale of packaged beer and wine.

Chairman Pro Tem Krusenoski asked what the annual fee is for the hotel license. Ms. Kuchynka replied it is over \$4,000. Chairman Pro Tem Krusenoski stated that a license should be created with an appropriate fee. Ms. Mueller advised that they are a not-for-profit organization. Mr. Austin did not feel that the amount of alcohol sales will differ much from that of a restaurant.

Chairman Pro Tem Krusenoski appreciated Mr. Austin’s intent for expediency and keeping the code as simple as possible. He stated that without being under any time constraint, it would be his preference to create a license that is specific to a retirement facility. Mr. Austin stated he does not see problems with fees as there are a significant number of residents who may potentially drink. He asked if they are serving meals and drinks at cost. Ms. Mueller replied that the cost of meals is minimal. Mr. Longenecker added that they anticipate any profit on liquor sales to be very minimal.

Ms. Didier asked Ms. Mueller why they requested the ordinance reference from “residents” to “clients” be changed. She asked if the individuals who are in the Health Center are able to dine and get a drink. Ms. Mueller replied that these individuals are rehab patients and that they do not reside at the facility. Mr. Austin asked if they are temporary residents. Ms. Mueller replied yes. Mr. Longenecker stated that rehab patients represent less than 20% of their members. Ms. Didier asked if these temporary residents can bring a guest in to dine. Ms. Mueller replied yes. Mr. Austin did not know why they could not be considered residents.

Ms. Didier suggested that the ordinance be changed to read “permanent or temporary” residents. The group agreed.

Chairman Pro Tem Krusenoski asked if sales would include beer, wine and spirits. Mr. Longenecker replied yes.

Ms. Kuchynka stated that the draft ordinance would need to be approved by the Village Council and once approved, Oak Trace will have to return to the Commission for an application hearing. She noted that when they apply, procedural questions can be discussed at that time.

Ms. Kuchynka stated that they will be required to have a liquor policy and staff will need to receive certified training. Chairman Pro Tem Krusenoski asked if Beacon Hill in Lombard will be the model on which they base their policies at Oak Trace. Ms. Mueller replied yes. She stated that she will utilize their policies, but go through the certification class in order to get more knowledge about liquor serving rules when drafting their own.

Chairman Pro Tem Krusenoski asked if Beacon Hill has full alcohol service. Ms. Mueller replied yes.

Mr. Austin asked why the number of licenses available is being limited to one. Ms. Kuchynka replied that it was an arbitrary number. She stated that it can be unlimited. Mr. Austin agreed as the Commission can recognize other facilities might be interested. Chairman Pro Tem Krusenoski agreed that they will then not run the risk of having to change the number available if another retirement community in

Downers Grove would like to offer alcohol. Ms. Kuchynka agreed to unlimit the number of license available.

Ms. Kuchynka asked the Commission for a motion to forward the draft ordinance creating a retirement facility license class, as amended, to the Village Council for consideration.

MR. CLARY MOVED TO RECOMMEND THAT THE DRAFT ORDINANCE FOR THE CREATION OF A CLASS “RF” RETIREMENT FACILITY LIQUOR LICENSE BE FORWARDED TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. JACOBSON SECONDED.

VOTE: **Aye:** Mr. Clary, Mr. Jacobson, Mr. Austin, Chairman Pro Tem Krusenoski
Nay: None
Abstain: None

MOTION CARRIED: 4:0:0

Motion carried.

Ms. Kuchynka stated that the Oak Trace request, draft ordinance and minutes of tonight’s meeting will be forwarded to the Village Council for consideration. She would advise the representatives when the item will be placed on a Council agenda. She stated that they are free to attend that public hearing. She stated if and when the ordinance is adopted, Oat Trace may apply for the license.

Mad Ape Brewing Company - 5400 Janes Avenue

Ms. Kuchynka stated that representatives of Mad Ape Brewing Company have requested the creation of a liquor license classification for a brewing facility located at 5400 Janes Avenue.

Ms. Kuchynka asked that any individual(s) representing Mad Ape Brewing Company step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. David Yob, Mr. Pete Kosanovich and Mr. Mark Hedrick were sworn in by the court reporter. Mr. Yob introduced himself as a partner, part owner and founder of Mad Ape Brewing Company. Mr. Kosanovich introduced himself as partner and founder of Mad Ape. Mr. Hedrick introduced himself as Master Brewer of Mad Ape.

Ms. Kuchynka stated that a distributor’s license and a retailer’s license will be required from the State. She stated that they are seeking a local license in order to have on-premise consumption and the retail sales of beer produced on the premises.

Ms. Kuchynka stated that she has not drafted an ordinance for the facility as staff wanted direction from the Commission concerning the license. She added that there is a brew pub license classification in the Code which is held by Emmett’s Ale House. She noted that pursuant to the terms of the license, they are required to have a restaurant on the facility. She noted that they have on-site consumption and off-premise sales of beer produced on the premises.

Ms. Kuchynka stated that Mad Ape is not proposing to offer food service. She stated that they are requesting a license for beer consumption on the premises and retail sales. She stated that the current code requires all on-premise license holders to offer food service

Ms. Kuchynka asked representatives of Mad Ape to explain their request.

Mr. Yob stated that Mad Ape is a start-up production craft brewing facility. He stated that they are residents of DuPage County and felt the neighborhood would be a great place to set up their business.

Mr. Yob stated that they will have a tasting room for on-premise consumption and tastings. He stated that they will not operate as a bar. He stated that patrons will be allowed three drinks. Ms. Kuchynka noted that the three drink maximum will be the equivalent of 48 ounces per person, per day.

Mr. Yob noted that certain brews with a higher alcohol content will be poured into smaller glasses.

Mr. Kosanovich noted that they will not operate as a bar. He stated that the tasting room is a tool for them to introduce their product to customers. He stated that their goal is to make money distributing beer, not selling beer in the tasting room. He stated that they will not operate as a restaurant.

Mr. Yob stated that their long range plan would be to establish a brew pub in an area more conducive to restaurants. He stated that this brewing facility would not have food preparation or service on the site.

Chairman Pro Tem Krusenoski asked if they are locating in a commercial vs. residential site. Mr. Yob replied they are a production facility locating in Ellsworth Industrial Park. He stated that they are in the process of negotiating a lease and need to secure a liquor license classification to apply for.

Ms. Kuchynka distributed a picture of the 5400 Janes Avenue property. She stated that it is in an industrial area of the Village which lends itself to not being a restaurant.

Chairman Pro Tem Krusenoski stated it was as though they are modeling their operation with that of Solemn Oath in Naperville. He stated customers are allowed to bring in their own food. Mr. Yob stated that the Solemn Oath model is about as close to how they expect to operate.

Mr. Yob stated that they could have menus from local restaurants on site for customers to order from. Ms. Kuchynka noted that Solemn Oath has food trucks, however, Downers Grove does not allow food trucks. She did not object to them having area restaurant menus available on site.

Mr. Yob stated that they could provide pretzels, popcorn or snacks. Ms. Kuchynka stated that they should check with the Health Department about offering any type of food.

Ms. Kuchynka stated that a number of communities have brewing facilities. She stated that some have food requirements and some do not. She mentioned that Urban Legend (Westmont), Only Child (Northbrook), Buckledown (Lyons) and Solemn Oath (Naperville) do not have a food service requirement. She mentioned those with food service requirements are more geared toward restaurant service, such as Two Brothers (Warrenville) and Nevins (Plainfield). She stated Temperance (Evanston) has snacks and allows patrons to bring in their own food.

Ms. Kuchynka stated that the ordinances from other communities can be used to model a new classification based on what Mad Ape is proposing to do. She stated that she did not want them to come back in six months to modify the class if they find they cannot comply with burdensome provisions.

Mr. Clary asked if there were any other liquor licenses in the industrial area. Ms. Kuchynka replied no.

Mr. Jacobson stated that he liked the concept. He asked what the hours of operation will be. Mr. Yob replied initially there will be limited hours, Thursday through Saturday, in order to establish production. He stated tap room hours will eventually expand from 12 noon until 11 p.m., daily.

Chairman Pro Tem Krusenoski asked if they will have televisions in the tasting room. Mr. Yob replied no, but perhaps some sort of screens. Mr. Kosanovich noted that they may have entertainment, such as a guitar player on occasion.

Mr. Austin was familiar with the brew facility model. He stated the drink maximum seems to work. He noted that some facilities serve items other than beer and asked if they intend to serve soft drinks. Mr. Hedrick stated that they would like to offer non-alcoholic beverages such as creme sodas.

Mr. Austin liked the idea and did not have a problem with the classification they are asking for. He noted that there is a concern about the three drink maximum and the passing of drinks and asked how it could be monitored. Mr. Hedrick replied that credit cards are taken and put on file and each drink is counted against the card. He stated that punch cards could also be issued. Mr. Yob stated that they are still trying to work out those details. He stated that staff will be fully trained in TIPs or BASSET and will be taught to recognize signs of intoxication. He stated that the sharing of punch cards would be something they have to deal with. Mr. Kosanovich noted that some things are out of their control, but they will not let it happen to the best of their ability. He stated that it goes back to their notion that they do not want to operate a bar. He stated that they hope the tasting room will be a small aspect of the business and that the distribution will become the major aspect of the business.

Chairman Pro Tem Krusenoski asked if they have distribution outside other than the retail clients that will come in to buy it. Mr. Yob stated that their plan is to get past self distribution levels of 7,500 barrels per year and have multiple distribution relationships throughout the State and outside the State. Mr. Yob added that they hope to also distribute to local restaurants.

Ms. Kuchynka noted that a State distributor's license is required in addition to the State retailer's license. She stated that the Village will not regulate any aspect of their distribution. She stated the local license will allow brewing on the facility, along with on-premise consumption and off-premise sales to the general public.

Ms. Kuchynka advised that they will be allowed to sell "growlers" which are 64-ounce containers. She stated that a growler can be purchased to be filled and capped. She stated that retail sales will consist of 22-ounce bottles, which have been filled and capped. She stated that neither will be allowed to be consumed on site. Mr. Yob stated that they would like to sell 5-gallon and half barrel kegs to go. He added that he was aware of the Village's keg tag program.

Ms. Kuchynka stated that they will have a few ways in which to serve on-site. She stated that samples will be allowed at no charge, when given in accordance with State law. She stated that they will charge for "flights" which is a tasting of 4, four-ounce samples of a variety of beers. She stated that they will also sell 16-ounce glasses of beer for consumption on the premises. Ms. Kuchynka noted that any combination of the above, per person, per day, shall not exceed 48 ounces.

Ms. Kuchynka stated that Naperville originally required customers to be 21 and over. She stated that has since been amended to allow under 21 year olds in the facility. She stated that it was done in an effort for parents to be able to go into the store to pick up beverages. She planned to allow under 21 year olds in this facility if they are accompanied by an adult. Mr. Austin asked if we have a 21+ restriction on existing licensees. Ms. Kuchynka replied yes. She stated that Gnarly J's, Rita's and Q Billiards are 21 and over.

Mr. Austin asked how many people the 103' x 30' tasting room will hold. Mr. Kosanovich stated that the tasting room will be 2-3,000 square feet, which could hold 50-100 people. He did not believe there would be 100 people in the tap room at any given time. He stated that there will be a counter area, high-top barrel tables, chairs - all of which will depend on what type of layout is allowed.

Mr. Austin asked what is the proposed volume of beer sales. Mr. Yob replied about 70% of revenue will be from the tasting room early on, and then selling off-site and distribution will overtake that percentage. Chairman Pro Tem Krusenoski stated that they will pull demand by having locals taste it, see it on a local menu. Mr. Yob stated that they would prefer to mass produce and distribute. Mr. Hedrick stated that it will focus on retail and eventually like to offer their craft brews at Binny's.

Ms. Kuchynka stated that she discussed events with Mad Ape. She stated that they are allowed up to six special event licenses per year for activities which are out of the normal day to day operations of the facility. She stated that if they wish to have a brew fest or hold an event outside, they can apply for a special event license.

Mr. Kosanovich stated in addition to brewing beer they want customers to know how to brew beer. He stated that they would like to be able to offer classes for home brewers to perfect their craft. Ms. Kuchynka replied that staff can incorporate brewing on the facility, tours, classes, on-premise and off-premise consumption into the draft ordinance to allow them some flexibility.

Mr. Kosanovich asked about private events. He asked if customers could bring in food if someone rented the space out and where the 48 ounce drink limit would not apply. Ms. Kuchynka stated that if they hold such events, the facility must be completely shut down to the general public in order to be considered a private function. She would ask for some information or invite with the date and time of the event, so the Village is aware of the private function. She had no issue with food being brought in. She stated that as the license is limited to beer/wine produced on the premises, and no other alcohol would be allowed in.

Staff asked for a recommendation from the Commission whether to create a brewing facility liquor license classification.

MR. AUSTIN MOVED TO RECOMMEND THAT STAFF PREPARE A DRAFT ORDINANCE FOR THE CREATION OF A BREW FACILITY FOR VILLAGE COUNCIL CONSIDERATION.

Staff requested that the first draft of an ordinance be considered by the Commission at their next meeting. The motion was amended as follows:

THE COMMISSION MOVED TO RECOMMEND THAT STAFF PREPARE A DRAFT ORDINANCE TO BE CONSIDERED BY THE COMMISSION AT ITS NEXT MEETING FOR A CRAFT BREWING FACILITY. MR. JACOBSON SECONDED.

VOTE: **Aye:** Mr. Austin, Mr. Jacobson, Mr. Clary, Chairman Pro Tem Krusenoski
Nay: None
Abstain: None

MOTION CARRIED: 4:0:0

Motion carried.

Ms. Kuchynka stated that she will utilize ordinances from other communities to help draft the brew facility license in addition to discussion from tonight's meeting. She stated that the main points for the classification will be the 48 ounce, per person, drink limit for on-premise consumption, free product sampling will be allowed, tours and educational classes held, on-site consumption and off-premise beer sales. She stated that the tap room shall not exceed 3,0000 square feet. Mr. Austin advised that the

facility was 18,000 square feet. Mr. Hedrick noted the remaining area will be used for office space, distribution and brewing.

Ms. Kuchynka asked if sampling, tastings and drinking will be limited to the tap room area or if customers will be allowed to carry drinks on a tour. Mr. Yob replied yes.

Ms. Kuchynka advised that she will provide Mad Ape representatives a draft ordinance to review.

Ms. Kuchynka reminded the Commission that this license class will not have a food service requirement.

Mr. Austin asked what their time frame was for lease negotiations. Mr. Yob replied that they are in negotiations now. Mr. Austin asked when they plan to open. Mr. Yob replied February of next year.

Chairman Pro Tem Krusenoski asked if they have to buy equipment. Mr. Yob replied yes and they need to apply for both federal and state licenses.

Ms. Kuchynka stated that staff would be preparing a draft ordinance for an amendment to the existing Class P-O license. She stated that this license allows for both the on-premise and off-premise consumption of alcohol at a grocery store. She stated this request would help the potential licensee to compete with the Standard Market located on Ogden Avenue in Westmont. She stated that the location is the former Dominick's on Ogden.

Ms. Kuchynka stated that she contacted the Village of Westmont and has reviewed their code and what is allowed. She stated that on-premise consumption was limited to the Cube wine bar area and restaurant portions of the facility. She stated that they have events where patrons can walk through the store with beer or wine. She stated that she contacted Westmont about the discrepancy in their code and was advised that they have temporarily allowed them to allow patrons to walk throughout the store with beverages. Ms. Kuchynka stated that the primary business will be a grocery store. She stated that the grocer is planning to have a food service area and wine bar. She stated that they have not committed to the lease until there is an amendment to the Class P-O license. She stated that the P-O license would need to be amended by eliminating the provision that the premises be limited to the Central Business District and would alter the square footage of the on-premise consumption area.

Chairman Pro Tem Krusenoski stated that the Commission considered something similar with the request from Binny's to allow for on-site consumption. Ms. Kuchynka advised that Lemon Tree Grocer has this license and allows full alcohol, on-site consumption and off-premise sales. She stated that staff can amend this existing classification by eliminating the requirement that the premises be located in the Downtown Business District. She stated that she would increase the number of licenses available.

Ms. Kuchynka stated that this is a great opportunity to develop the site.

VI. OLD BUSINESS

Chairman Pro Tem Krusenoski asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

There was none.

VIII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

Concluding business for the evening, Chairman Pro Tem Krusenowski called for a motion to adjourn.

Mr. Austin moved to adjourn the March 6, 2014 meeting. The meeting was adjourned by acclamation at 7:55 p.m.

APPROVED – 4/7/14

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

FEBRUARY 24, 2014, 7:00 P.M.

Chairwoman Urban called the February 24, 2014 meeting of the Plan Commission to order at 7:01 p.m. and led the Plan Commissioners and the public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairwoman Urban, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mr. Webster

ABSENT: Mrs. Rabatah, Mr. Rickard, Mr. Waechtler; ex-officios Ms. Lupescu, Mr. Menninga, Ms. Souter

STAFF

PRESENT: Senior Planner Stan Popovich and Planner Patrick Ainsworth

VISITORS: Dan and Lorili Harkins, 1130 Crystal Ave., Downers Grove; Chester Tom, 7205 Matthias Road; Anthony Pecoraro, Dunham St. Development, LLC; Kevin Lewis, 1G Consulting

MINUTES OF JANUARY 27, 2014 - It was noted on Page 4, third paragraph, that “Mr. Quirk concurred with staff’s conclusion” but Chairwoman Urban noted that Mr. Quirk was not present. On Page 5, under the chairwoman’s comments, third sentence, reflected that she did not “believe a cross-access would be an issue,” wherein the chairwoman clarified to strike the words “be an issue” and insert the words “would be feasible.”

MINUTES OF JANUARY 27, 2014, WITH NOTED CORRECTIONS, WERE APPROVED ON MOTION BY MR. WEBSTER, SECONDED BY MR. BEGGS. MOTION CARRIED BY VOICE VOTE OF 4-0-2 (ABSTAIN: MESSRS. MATEJCZYK AND COZZO)

MINUTES OF FEBRUARY 3, 2014 - WERE APPROVED ON MOTION BY MR. COZZO, SECONDED BY MR. QUIRK. MOTION CARRIED BY VOICE OF 6-0.

Chairwoman Urban reviewed the protocol for the meeting and swore in those individuals who would be speaking on the following petition:

PC- 03-14: A petition seeking Final Plat of Subdivision approval to subdivide the existing property into three lots. The property is zoned R5A, Townhouse Residential District. The property is located at the southeast corner of Dunham Road and Crystal Avenue, and is commonly known as 7143 Dunham Road, Downers Grove, IL (PIN 09-29-100-038). Dunham Street Development, LLC., Petitioner/Owner

Mr. Popovich reviewed the 2.2-acre site (zoned R5A Townhouse Residential District) and its location on an aerial map. A one and one-half story vacant house currently exists on the property. Recalling that the preliminary plat was before the commissioners in late October and approved by

Village Council in December 2013, Mr. Popovich reported that the petitioner went through the preliminary plat process to determine the feasibility of the project which was approved. The review of tonight's final plat of subdivision was to ensure that it was in conformance with the approved preliminary plat.

Per Mr. Popovich, staff believed the final plat was in substantial conformance with the petitioner's preliminary plat of subdivision. In support, he reviewed both the preliminary and final plats side by side, noting that the only changes was the 20-foot utility easement along the south and north property lines. The property was still being subdivided into three lots with a 6-unit, 4-unit and 2-unit building planned for each lot, respectively and 35 feet was dedicated along Crystal Avenue for the 70-foot right-of-way to widen Crystal Avenue to meet village requirements. Approximately 14 feet along the western property line would be dedicated for Dunham Road to provide an 80-ft. right-of-way. The existing wetlands would be modified to provide detention for the development and also to meet the village's Stormwater Ordinance and comply with all wetland regulations. Mr. Popovich pointed out the finer details of the final plat of subdivision, i.e., a retaining wall near the wetlands, sidewalks, the curb and gutter along Crystal Avenue, parkway trees, streetlight, etc., noting the developer will have a homeowners association for the development and will be required to start a special service area.

Also pointed out was how the development was consistent with the village's Comprehensive Plan. It was a transitional land use and the buildings were smaller in size and scale and it provided a variety of housing types. All bulk requirements were met and the exception for Lot 2 was still maintained, based on the 35-foot dedication for the ROW along Crystal Avenue.

Appropriate public notification, signage and mailings were provided for the development and staff did receive some comments. The main finding of fact was that the final plat of subdivision was in substantial conformance with the preliminary plat. All standards were met and staff recommended that the Plan Commission forward a positive recommendation to the Village Council with the eight conditions listed in its report.

Asked if the easements changed any of the configurations for the lots, Mr. Popovich reported the layouts were the same and the building pads, driveways, etc. were in the same location. Further details followed.

The petitioner was invited to speak and to point out any changes since the preliminary plat was presented.

Mr. Anthony Pecoraro, P.O. Box 331, Highland Park, IL, representing Dunham Street Development, stated he did not make any changes or architectural changes to the plans and believed he was in compliance with the preliminary plat of subdivision. He offered to answer commissioners' questions. None followed.

Chairwoman Urban opened up the meeting to public comment.

Mr. Chester Tom, 7205 Matthias Road, Downers Grove, reviewed an aerial photograph of the site and surrounding area along with an overlay with the proposed development. He then provided a photograph taken a few weeks ago, noting that the drainage was not flowing to the detention pond and emphasized that the development should have the run-off flowing towards the west detention

basin. He provided photographs sharing what his concerns were regarding the run-off and also voiced concerns about the radius of the curb with the single access.

Chairwoman Urban explained to Mr. Tom that engineering codes were required to meet both stormwater from DuPage County and the village's codes for stormwater and the roads were designed in conformance with engineering standards. She further explained that the Plan Commission's role in this case was for platting of the three lots.

Mr. Tom pointed out that the road width was 27 feet on the drawings and it was never changed from the original meeting because the minimum the village shows was 29 feet, which he stated did not meet the requirements. He stated that the proposal reflected asphalt driveways, while all the other homes reflected concrete driveways. He asked who paid for the relocation of the utility pole at Dunham and Crystal, i.e., the taxpayers or the developer? He noted the stormwater drainage line on the latest drawing that travels across Crystal, noting one copy of the road lists 27 feet and the existing drawing reflects 29 feet. He asked that it be changed to meet code. Further drainage issues were voiced.

Ms. Lorili Harkins, 1130 Crystal Avenue, Downers Grove, noted that the village has an overnight parking restriction and stated that when the trees were taken down on the property, there were trailers there, with mulch, parked overnight on Crystal Avenue for about a week and the road was difficult to maneuver and destroyed as a result. The well on the property burst and no one was present to take care of it, resulting in a large stream of water flowing onto the residents' properties, and, as a result her sump pump ran every 90 seconds which never happened in the 16 years she has resided there. Lastly, she stated Mr. Kalmer, from the village, spoke to her about the topography and indicated the proposed property was at the highest point, her property was at mid-point, and the property behind her was the lowest. Furthermore, she asked about the future status of the well, closed, capped, removed? Due to concerns about her basement flooding, she asked the commissioners to ensure that the developer follows the village's codes.

In response, petitioner Mr. Anthony Pecoraro, with Dunham Street Development, stated that the sump pump issue was due to the sump pump discharging and it being left on during the thawing of the snow. He did respond to the site when he heard there was an issue and shut it off. He stated the property will be improved and will not be doing what it was doing prior.

Mr. Lorili Harkins stated Mr. Kalmer told her it was a well issue, not a sump pump issue, and the power to the well was turned off. She believed Mr. Pecoraro was incorrect.

Mr. Popovich also clarified that Mr. Kalmer, one of the village's code officers, did visit the site and did speak to Mr. Pecoraro regarding the water issue to get the power turned off. As to water flowing off the land, Mr. Popovich stated that the property will be redeveloped and the water flow will be directed toward catch basins along the north and south property lines and then deposited into the modified wetland. The catch basins do not exist. A further explanation followed on how the property will be managed during the construction process.

Resident, Ms. Harkins asked when the street would be widened, wherein Mr. Popovich explained the process, which typically involves stormwater management first. He reminded the public that once those proposed improvements come for building permit review they will be reviewed by the

village's development engineers. To date, the proposal has been reviewed by the village's engineering and wetland consultant. Details followed.

Responding Mr. Tom's question about the process for the roadway width, Mr. Popovich shared that it was through the building permit plan review and would be handled by staff, followed by review from Public Works.

Mr. Pecoraro had no closing statements. Chairwoman Urban closed public comment.

Chairwoman Urban reiterated that the primary focus of this matter was specifically to the review and approval of the subdivision plat, recalling that the preliminary plat was reviewed by this commission and approved by the village council in December and it appeared that the final subdivision plat was in substantial compliance with the preliminary plat. Discussion followed among the commissioners that there was nothing substantially changed.

WITH RESPECT TO PC- 03-14, MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO STAFF'S FOLLOWING EIGHT (8) CONDITIONS:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF SUBDIVISION FOR DUNHAM SUBDIVISION PREPARED BY IG CONSULTING, INC., DATED JULY 3, 2013, LAST UPDATED FEBRUARY 13, 2014, AND ENGINEERING PLANS PREPARED BY IG CONSULTING INC., DATED MAY 8, 2013, LAST REVISED ON FEBRUARY 13, 2014, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE PETITIONER SHALL PAY \$34,111.24 (\$22,532.71 FOR THE PARK DISTRICT, \$8,068.37 FOR SCHOOL DISTRICT 58 AND \$3,510.16 FOR SCHOOL DISTRICT 99) PRIOR TO VILLAGE EXECUTING THE FINAL PLAT OF SUBDIVISION.**
- 3. THE PETITIONER SHALL PAY A \$8,000 FEE IN-LIEU FOR THE INSTALLATION OF SIXTEEN PARKWAY TREES. THE FEE IN-LIEU MUST BE SUBMITTED PRIOR TO ISSUANCE OF THE CONSTRUCTION PERMIT.**
- 4. THE PETITIONER SHALL PAY A FEE IN-LIEU FOR THE PROPOSED FINAL SURFACE COURSE ALONG THE SOUTH SIDE OF CRYSTAL AVENUE AND MATTHIAS ROAD.**
- 5. CRYSTAL AVENUE SHALL BE WIDENED PER VILLAGE STANDARD PVT-13 (MINIMUM WIDTH OF 29 FEET BACK OF CURB TO BACK OF CURB).**
- 6. UPON COMPLETION OF THE PUBLIC IMPROVEMENTS FOR THE ENTIRE DEVELOPMENT, THE PETITIONER SHALL SUBMIT RECORD DRAWINGS FOR APPROVAL BY THE VILLAGE COUNCIL. ALONG WITH THE RECORD DRAWINGS, THE PETITIONER SHALL SUBMIT A GUARANTEE SECURITY IN THE AMOUNT OF 20% OF THE TOTAL COST OF THE PUBLIC IMPROVEMENTS, WHICH SHALL EXPIRE NO EARLIER THAN TWO YEARS AFTER ACCEPTANCE OF SUCH PUBLIC IMPROVEMENTS BY THE VILLAGE COUNCIL.**

APPROVED – 4/7/14

7. **THE HOME OWNERS ASSOCIATION DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS DOCUMENT FOR THE SUBDIVISION SHALL BE RECORDED WITH THE PLAT OF SUBDIVISION.**
8. **A SPECIAL SERVICE AREA SHALL BE ESTABLISHED AND RECORDED TO ENSURE ADEQUATE MAINTENANCE OF THE STORMWATER DETENTION AREA PRIOR TO FINAL APPROVAL OF THE BUILDING PERMITS.**

SECONDED BY MR. MATEJCZYK.

AYE: MR. BEGGS, MR. MATEJCZYK, MR. COZZO, MR. QUIRK, MR. WEBSTER, CHAIRWOMAN URBAN

NAY: NONE

MOTION CARRIED. VOTE: 6-0.

OTHER BUSINESS:

Chairwoman Urban encouraged staff that for plats that are in substantial compliance with their preliminary plat, that the code be modified to a village council review when the commission reviews subdivision text amendments. Mr. Popovich would follow up with Mr. Dabareiner. Mr. Popovich introduced new planner, Patrick Ainsworth who replaces Mr. Latinovic. A Plan Commission meeting was planned for Monday, March 3rd, with three proposals.

THE MEETING WAS ADJOURNED AT 7:45 P.M. ON MOTION BY MR. WEBSTER, SECONDED BY MR. QUIRK. MOTION CARRIED BY VOICE VOTE OF 6-0.

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)

APPROVED – 4/7/14

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

MARCH 3, 2014, 7:00 P.M.

Chairwoman Urban called the March 3, 2014 meeting of the Plan Commission to order at 7:01 p.m. and led the Plan Commissioners and the public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairwoman Urban, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mr. Rickard, Mr. Webster; ex-officio Ms. Lupescu

ABSENT: Mrs. Rabatah, Mr. Waechtler; Mr. Menninga, Ms. Souter

STAFF

PRESENT: Community Development Director Tom Dabareiner; Senior Planner Stan Popovich, Planner Kelley Chrissie

VISITORS: Jennifer Mowen and Frank Grigco with Greenberg Farrow, 21 S. Evergreen; Dan Angspett Shorewood Development Group, 20 E. Lake Cook Road; Louis Schriber, 422 Lake Ave.; Myki Romano, Lake Ave., Kentworth Gould, 408 Lake Ave.; William Natale, 422 Lake Ave.; Tom Wagner, 503 Lake Ave.; Bonnie Christerson, 4332 Florence Ave.; Jeanne Bostedt, 438 Lake Ave.; Joe Schreiberreif, 430 Lake Ave.; Paul Barr, 402 Sherman St.; Robert Adams, 4322 Florence Ave.; Al Rosenbostel Fresh Thyme, 618 Franklin St.; Keith Neumann, Greenscape Realty, 4355 Weaver Pkwy., Warrenville; Bob Gundmunson, RWG Engineering, 975 E. 22nd St., Wheaton; Brian Donley, Federal Realty, 50 E. Wynwood Rd., Wynnwood, PA; Scott Hargadon, Meltzer, Purtill & Steele, 300 S. Wacker Dr., #3500, Chicago; Phil Golding, Starbucks, 564 W. Randolph, 3rd Fl., Chicago

Chairwoman Urban directed the public to the available packet information and reviewed the protocol for the meeting.

APPROVAL OF MINUTES - None

PUBLIC HEARINGS:

Chairwoman Urban swore in those individuals that would be speaking on the following three (3) hearings:

PC-02-14: A petition seeking approval of a Planned Development Amendment to construct a Starbucks, Final Plat of Subdivision to subdivide the existing and proposed out lots and Special Use to permit a drive-thru for Starbucks. The property is zoned B-3, General Services and Highway Business District. The property is located on the northeast corner of Butterfield and Finley Roads,

commonly known as Finley Square Shopping Center (1500-1570 Butterfield Road), Downers Grove, IL (PINs 06-30-403-019, -020, -021). Federal Realty Investment Trust, Petitioner/Owner.

(Ms. Lupescu leaves the room.) Planner Chrisse reviewed the proposal for the 1,800 sq. foot, one-story Starbucks building, stating it required a plan development amendment to permit the construction of an additional out-building, a final plat of subdivision to subdivide a one-lot assessment into five new lots of record, and a special use permit for the proposed Starbucks drive-through. Ms. Chrisse walked through a history of the site's past zoning classifications and indicated that the final plat of subdivision would be cleaning up some misaligned assessment lots for Portillo's and Burger King and would clean up the sanitary sewer easements that were misaligned. She reported a new blanket stormwater easement was being required by the village for the existing underground stormwater vault located on Lot 3 of the new subdivision, west of the existing Burger King. The plat of subdivision would include the creation of a new lot for Ruby Tuesday and Starbucks and in doing this would help to bring the property into compliance with the sign code. Starbucks is being proposed on Lot 5 and would include access points along Downers Drive and Finley Road (signalized).

A review of the proposal's site plan followed where Ms. Chrisse described the drive through lane; the location of the trash enclosure; the patio area; the perimeter and patio landscaping; and the landscaped parking islands. Building materials would include brick masonry with wood cladding and metal detailing. All signage would meet the village's sign code. Hours of operation, including the drive-through lane, would be 5:00 a.m. to 10:00 p.m. daily. Peak hours were reviewed.

Green space would include an additional 2,000 sq. foot of space, bringing the percentage up to about 11.5% of the site being covered. Currently 1,125 shared parking spaces served the entire development and while adding the Starbucks could reduce some of the spaces, the number of spaces still met the parking requirements per the zoning ordinance. Minimal traffic impact was expected for the site. Per engineering, Ms. Chrisse stated the existing utilities were sufficient to provide service, the impervious area was reduced by the additional landscaping, and the sanitary district gave its conceptual approval of the proposed building. No additional stormwater management was required. The building would include fire alarms and sprinklers, per code.

Lastly, Ms. Chrisse explained how the development met the village's Comprehensive Plan and Subdivision Ordinance; that proper public notification and signage was provided and no comments were received from the surrounding property owners. The specific findings of fact were highlighted. Standards for approval of the Special Use were also reviewed. Staff asked for a positive recommendation by the Plan Commission to approve the proposal, subject to the five conditions listed in staff's report, and with a minor correction to Condition No. 1 -- revise the date for the Finley Square Mall Re-subdivision drawing to reflect a date of February 26, 2014.

Asked if the lot reconfiguration had anything to do with setting a precedent for bringing signs into conformance with the new sign requirements, Ms. Chrisse did not believe so and Mr. Popovich concurred because this shopping center was one of the few centers that had out-buildings without outlots. Also, because this was a planned development, the petitioner could request a planned development amendment to address the sign issues with a comprehensive plan for all signage on the property.

Mr. Scott Hargadon, Meltzer, Purtill & Steele, 300 S. Wacker Dr., #3500, Chicago, IL, representing the petitioner, Federal Realty Investment Trust, discussed that he had no formal presentation and would accept staff's report. He confirmed that his client was in full agreement with the five conditions in staff's report. However, he stated a representative of the owner, a project engineer and a representative from Starbucks were present to answer any commissioner questions.

No commissioner questions followed. Chairwoman Urban invited the public to speak.

Mr. Tom Wagner, 503 Lake Avenue, Downers Grove, expressed concern about the traffic and parking congestion in the shopping center already, especially during November/December, wherein Chairwoman Urban believed it was stated earlier that the AM was Starbucks's peak hours.

Hearing no further comments, public comment was closed and the chairwoman invited deliberation by the commissioners or a recommendation.

Mr. Webster agreed with the standards being met and the fact that the proposal was straight forward, well presented. He would support it. Mr. Beggs also added his comments about his on-site visit to the shopping center, which he did not find crowded at all.

WITH RESPECT TO FILE PC 02-14, MR. COZZO MADE MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO APPROVE THE ABOVE PETITION, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PROPOSED AMENDMENT TO PLANNED DEVELOPMENT #17, FINAL PLAT OF SUBDIVISION AND SPECIAL USE REQUEST FOR A COFFEE SHOP RESTAURANT WITH A DRIVE-THROUGH USE SHALL SUBSTANTIALLY CONFORM TO THE PROPOSED STARBUCKS AT FINLEY SQUARE MALL PLANS PREPARED BY RWG ENGINEERING, LLC DATED JANUARY 24, 2014, LAST REVISED FEBRUARY 26, 2014, THE STARBUCKS COFFEE COMPANY ARCHITECTURAL DRAWINGS PREPARED BY NORR DATED JANUARY 24, 2014, LAST REVISED FEBRUARY 25, 2014, FINLEY SQUARE MALL RESUBIVISION, PREPARED BY GENTILE AND ASSOCIATES, INC., AS LAST REVISED FEBRUARY 26, 2014, AND ALTA/ACSM LAND TITLE SURVEY, PREPARED BY GENTILE AND ASSOCIATES, INC., DATED DECEMBER 9, 2013, ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES.**
- 2. A BLANKET STORMWATER EASEMENT AND APPROPRIATE ACCESS EASEMENT SHALL BE GRANTED TO THE VILLAGE FOR THE UNDERGROUND DETENTION VAULT LOCATED JUST WEST OF THE BURGER KING RESTAURANT AND WITHIN LOT 3.**
- 3. THE NEW PARKING LOT ISLANDS SHALL BE LANDSCAPED IN ACCORDANCE WITH THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENTS.**
- 4. ALL SIGNS MUST MEET THE REQUIREMENTS OF THE SIGN ORDINANCE.**
- 5. THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.**

APPROVED – 4/7/14

SECONDED BY MR. BEGGS. ROLL CALL:

**AYE: MR. COZZO, MR. BEGGS, MR. MATEJCZYK, MR. QUIRK, MR. RICKARD,
MR. WEBSTER, CHAIRWOMAN URBAN**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Ms. Lupescu returns.

PC-04-14: A petition seeking approval of a Zoning Ordinance Map Amendment to rezone the property from R-1, Single Family Residence District to R-4, Single Family Residence District. The property is zoned R-1, Single Family Residence District. The property is located on the northeast corner of Burlington and Francisco Avenues, commonly known as 2540 Burlington Avenue, Downers Grove, IL (PIN 08-12-110-030). Greenscape Homes, LLC, Petitioner; Mark Zuehl, Owner.

Village Planner, Ms. Kelley Chrise, reviewed the location of the R-1 property, noting the property consisted of two lots with a single home sitting over the adjoining lots. The petitioner was seeking to rezone to R-4 Single Family Residence District to match the size of the property with the zoning classification and to take advantage of the less restrictive setback requirements in order to construct two single-family homes -- one on each lot -- and meet the character of the surrounding properties. The property was annexed into the village in 2012 and automatically classified R-1. More recently, the property at 2525 Indianapolis, also annexed into the village in 2012, was rezoned to R-4 in August 2013. The two properties are similar. Per staff, the proposal met the requirements of the Comprehensive Plan, the village's bulk requirements, surrounding land use classifications and staff recommended the Plan Commission forward a positive recommendation to the Village Council.

Mr. Quirk inquired about the required setback on the corner lot. Ms. Chrise confirmed that the front yard setback of 25 feet applies along Burlington and Francisco Avenues, but the zoning ordinance allows a reduction in the Francisco setback to achieve a buildable width of 30 ft. on corner lots where the front yard setback would otherwise restrict the width of the house.

Petitioner, Mr. Keith Newman, Greenscape Homes, 4355 Weaver Parkway, Warrenville, IL stated he was the contract purchaser of the property and was requesting the zoning change from R-1 to R-4 District. He pointed out that the property was part of a large annexation into the village in 2012 and many of the lots would have to be rezoned to R-4 due to them being non-conforming. Mr. Newman was looking to construct two new homes without requesting any variations. He asked for a positive recommendation.

Chairwoman Urban opened the meeting to public comment. No comments received; public comment was closed. The chairwoman also noted that the standards had been met on this proposal.

WITH RESPECT TO PC-04-14, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THIS PETITION.

SECONDED BY MR. QUIRK. ROLL CALL:

APPROVED – 4/7/14

**AYE: MR. MATEJCZYK, MR. QUIRK, MR. BEGGS, MR. COZZO, MR. RICKARD,
MR. WEBSTER, CHAIRWOMAN URBAN**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

Ms. Lupescu leaves the room.

PC- 05-14: A petition seeking approval of a Final Planned Development designation, Special Use approval for a drive-through restaurant, a Zoning Ordinance Map Amendment to rezone a portion of the property from R-5, Two-Family Residential to B-3 General Services and Highway Business, a second Zoning Ordinance Map Amendment to rezone a portion of the property from R-6, Multiple Family Residential to B-3, General Services and Highway Business, and a Final Plat of Subdivision to subdivide ten lots of record into two lots of record. The property is located at the southwest corner of Florence and Ogden Avenues, commonly known as 317-327 Ogden Avenue, 4314-4322 Florence Avenue and 4325 Fairview Avenue all in Downers Grove, IL (PINs 09-04-300-004, -005, -006, -007, -012, -028, -029, -030 and -052). Greenberg Farrow, Petitioner; Joseph Perillo and Andrew and Pamela Chernivsky, Owners.

Mr. Popovich reviewed the five requests before the commission in detail, locating the site on the overhead map, the structures that existed, if any; the mismatch of zoning on the various lots in question; and the fact that seven lots of record faced Ogden Avenue. To date, six curb cuts on Ogden Avenue existed but the request was to reduce those to two curb cuts. There were two lots of record facing Florence Avenue and one lot facing Fairview Avenue.

The petitioner was proposing to demolish all structures and construct a 29,000 sq. foot Fresh Thyme Market building in the middle of the site, facing Ogden Avenue, as well as construct a 4,500 sq. foot out- building (with drive-through) closer to the intersection of Florence and Ogden Avenues. Two lots of record would be created with Fresh Thyme Market being on one lot and the out- building with drive-through on the other lot. Staff pointed out the property lines, access easements, and stormwater and utility easements. The site would have shared parking across both lots. Elevation details of the Fresh Thyme Market were pointed out and the building's materials would consist of stacked stone, concrete panels, and vertical siding with a couple of roof elements.

The smaller outlot building would consist of two tenants and include entrances facing Ogden Avenue. The drive-through would be located on the east facade with seven stacking spaces proposed where there should be eight. Building material would also consist of stacked stone. Various elevations followed, along with a review of the landscaping plan. Mr. Popovich stated that the drive-through lane would be heavily screened, with an ornamental fence and landscaping, for buffering purposes as well as the south property line with trees and an arborvitae shrub line and six foot solid fence in order to screen the residents to the south.

Addressing the two curb cuts that were proposed, Mr. Popovich indicated that IDOT recommended that the proposed eastern curb cut be right-in/right-out only (for eastbound access/exit on Ogden Ave.). The petitioner has complied with that request. Also, IDOT approved the configuration of curb cuts planned for the development. Per Mr. Popovich, the petitioner worked with staff to relocate the curb cut on Florence Avenue as far north as possible in order to relocate movement

toward the commercial use and reduce cut-through traffic. As for parking, 142 spaces were provided and required, which would be shared by the three tenants. Two trash enclosures, with six-foot screening, were pointed out by staff. Proposed signage was also pointed out, noting a 14-foot sign would be located along the western entrance along Ogden Avenue as well as along Fairview Avenue.

Per staff, the proposal met the goals and intent of the village's Comprehensive Plan, specifically, as it related to the site being Catalyst Site No. 32, which identified the site as needing to be a new retail and service user for nearby residents. It met the Corridor Commercial designation, which called for retail/office and service uses along Ogden Avenue, etc., and it met the requirement for expanded commercial depth in selected locations along Ogden Avenue, on a case by case basis. Additionally, the development met four goals of the Comprehensive Plan: 1) the perimeter was heavily landscaped; 2) the buildings had a high level of design; 3) the development would add value to the adjacent properties; and 4) the development would improve access management along Ogden Avenue by reducing the number of curb cuts from six to two.

The proposal met a majority of the village's bulk requirements, with three exceptions, that staff felt were necessary. First, the required parking setback along Ogden Avenue is 50 feet from the center line of Ogden, but the petitioner was proposing 43 feet. Staff felt this deviation was necessary because it provided code-compliant parking spaces and drive aisles in front of the store but it also allowed the building to be set further from the south property line. Second, the petitioner was proposing seven stacking spaces versus eight for the drive-through. Staff did not feel there was a feasible option to provide an eighth stacking space, and if the Florence Avenue curb cut was moved further south, it would cut into the residential neighborhood. The third deviation included a sign setback along Fairview Avenue where the sign was relocated to the north side of the drive aisle, closer to the commercial area, versus placing it on the south side of the drive aisle. Staff supported that deviation.

Staff further summarized how the development met the village's code requirements for lighting; met the Subdivision Ordinance; and met the fire department's codes, noting the building will have sprinklers and alarms installed. Fresh Thyme also demonstrated that delivery vehicles could get in and out of the site at multiple locations. A traffic review of the site was done and it was found that an additional 89 vehicles would be on-site during the morning peak hours and 155 vehicles during the evening peak hours but would be distributed along Ogden Avenue. Mr. Popovich described how vehicles would be entering and exiting the site in more detail, noting that staff felt the primary traffic movement on Florence would be northbound toward the commercial area and to Ogden Avenue.

Continuing, Mr. Popovich reported that any repairs to the Florence Avenue sidewalk that were due to the removal and/or addition of curb cuts would be borne by the petitioner as would improvements along Fairview Avenue. The petitioner would be relocating the current utility lines that ran through the center of the site to the south and around the building and tie back into the utility lines in the alley to the west. An 8-inch water main would be provided by the petitioner along the back, south drive aisle, that would tie both into the water main along Florence and Fairview Avenues. The petitioner would also be providing a new fire hydrant with 100 feet of the Fresh Thyme building, as required by the fire department while the existing hydrant near the intersections of Florence and Ogden Avenue would be maintained. While stormwater detention was not required for the site, the proposal would tie into the detention basin within the Florence Avenue right-of-way. Post-

Construction Best Management Practices would be applied. The proposal met the village's Stormwater Ordinance.

Regarding residents' comments, Mr. Popovich indicated staff spoke to two businesses -- the A-Len Automotive owners and the Bob Carter repair shop owner, and both owners were supportive of the proposal. Two other residents expressed concern about the proposal and they were directed to the village's web site for additional information, including tonight's meeting. A resident along Florence Avenue expressed concern about the Florence Avenue curb cut and staff explained that the curb cut on Florence was necessary in order to limit its impact by keeping it as far north as possible.

As to the amendments to the Zoning Ordinance map, Mr. Popovich believed all of the amendments were met and he proceeded to review the zoning in the area but concluded that the subject properties were better suited to be commercially zoned, which would promote development of an under-utilized commercial property; also it was a catalyst site identified under the village's Comprehensive Plan. Staff believed the approval standards under the Plat of Subdivision and the Special Use were met and the proposal would not be detrimental to the health, safety and general welfare of the public. Lastly, Mr. Popovich reviewed the 13 standards for the planned development which he believed were met. Staff concluded and recommended that the Plan Commission forward a positive recommendation to the Village Council.

Per Mr. Matejczyk's question, Mr. Popovich explained how a vehicle would exit the site to the west, using three available options. Mr. Matejczyk voiced concern about the northwest exit onto Ogden Avenue since a vehicle would have to traverse three lanes of traffic just to get to the left turn lane for Fairview Avenue. Mr. Popovich agreed that the level of service could be compromised by someone not being able to get out as quickly onto Ogden Avenue, but he believed as more time went by, vehicles would be exiting onto Fairview and then stacking into the Fairview left-turn lane or using the full access Florence curb cut to exit to get to Ogden Avenue.

Asked if consideration was given for the northwest exit to be a right-in/right-out and the northeast exit a full access, since it could be an easier left-hand turn onto Ogden, Mr. Popovich explained that it was IDOT who made the changes. General questions followed regarding the distance the signage was off the property line, the size of the signage, and the signs' locations and height. Asked if the signs were cumulative, Mr. Popovich clarified it was strictly frontage and due to the size of the building. Because the development was a shopping center, Fresh Thyme was allowed 300 sq. feet of signage and the panels did not count toward their total allowed, so the Market could have 300 sq. feet of signage on the building. The petitioner was proposing signage of 150 sq. feet facing on the north elevation and then 150 sq. feet on the east elevation, facing Florence.

Per Mr. Quirk's question, Mr. Popovich did not believe there were any semi-truck restrictions for Fairview Avenue since it was a minor arterial road. He also confirmed with staff that the property in question (outlined in blue) on the overhead had been a residential property for many years and that the nearby B-3 properties were rezoned in 2008 from R-6. Asked if any issues would be created by rezoning the property from residential to business, Mr. Popovich did not believe so because it would tie into the village's goals for commercial depth and it would be practical to rezone the Bob Carter site. Mr. Quirk felt that it would be beneficial to rezone all of the lots as one group instead of piece-meal.

Mr. Cozzo inquired whether there was consideration to restrict a right-turn onto Florence and having a left-turn only onto Florence to deter vehicles traveling into the residential area wherein staff had not, since the traffic study indicated that there would only be three additional cars in the morning peak hours and seven additional cars in the evening peak hours traveling down Florence Avenue. And those vehicles traveling south on Florence would find that it dead-ends and make their way back to Ogden. Mr. Cozzo expressed concern about the location of the trash enclosure and suggested relocating it to the north. Mr. Popovich indicated the trash matter was explored and there were challenges to the site and trucks having access to the enclosures. Parking spaces would have to be considered. Mr. Cozzo also voiced concern about safety and security regarding the truck dock area. Mr. Popovich stated that lighting would be provided there. Regarding the parking stalls on Ogden Avenue, it was confirmed by staff that the vehicles could potentially park and hang over the five-foot sidewalk, but that the commissioners could ask for parking blocks.

Petitioner, Ms. Jennifer Mowen with Greenberg Farrow Architecture, 21 S. Evergreen St., Arlington Heights was available to ask questions. Regarding the site circulation, she envisioned that truck traffic would enter the site off the western-most access from Ogden, circulate to the dock and then exit onto Florence and back to Ogden. Because this was the first time for the market to open in Illinois, she expected there would be several typical truck deliveries made in the morning (5:00 a.m. to 7:00 a.m.) with smaller, box truck deliveries, 4 to 5 times throughout the day, as needed. For the out lot building she expected a small box truck to deliver once or twice a week between 5:00 a.m. to 7:00 a.m. but expected no evening deliveries. As to limiting the exit out onto Florence Avenue with a right-out only, Ms. Mowen anticipated that the only cars traveling south on Florence would be local traffic to the neighborhood.

As to the Florence side elevation, Chairwoman Urban voiced concern that the elevation was not as pedestrian friendly and asked to make it more inviting, wherein Ms. Mowen reviewed the site plan and pointed out that the positioning of the out lot building from the Ogden Avenue view corridor obstructed most of the market's elevation and the landscaping and fence would screen it well from street level. Chairwoman Urban asked for additional consideration for the Florence side elevation.

Asked why the vacant Dominick's site was not considered, Mr. Lewis Schriber of Shorewood Development, 2150 E. Lake-Cook Ave., #820, Buffalo Grove, the developer for the site, explained the Dominick's site was not considered because the required frontage and depth required for the Fresh Thyme Market would leave a gap in the oversized space that was undesirable for other uses. Since the parallel parking spaces along the south drive aisle would be designated for employees only, Chairwoman Urban asked that a 3 ft. sidewalk be installed on the west property line for the employees. Ms. Mowen would work with staff on that.

Asked if the signage could be reduced on Fairview due to the nearby residents and due to its height and illumination, Mr. Schriber stated that he and Fresh Thyme were willing to keep the main large sign on the northwest corner of Ogden but could duplicate the smaller, 8 ft. sign, and locate it on Fairview. Mr. Schriber stated it was the intention to construct the out lot simultaneously with the Fresh Thyme building.

Chairwoman Urban opened up the meeting to public comment.

Mr. Ken Gould, 408 Lake Avenue, believed that the developer was promoting the extension of Lake Avenue in order for the trucks to make their deliveries. He discussed the existing challenges of the traffic in the area. He asked for better clarification of the signage.

Mr. Williams Natale, 422 Lake Avenue, voiced concern about Fairview Avenue being described as a minor arterial street, the fact that there would be increased traffic traveling south on Fairview to catch the train, and another fast food restaurant in the immediate area which would increase traffic. He did not support the proposal.

Mr. Tom Wagner, 503 Lake Avenue, also agreed there would be additional traffic and with Fairview being reduced to two lanes it caused traffic to sit. He voiced concern that when traffic comes down Lake Street vehicles would be making U-turns in the residents' driveways. He believed there would be no issues if there was a road across the south. He did not support the proposal.

Mr. Don Clouston, 4332 Fairview Avenue, disagreed with the presenters, noting that Ogden and Fairview was a heavily traversed corner and a semi-truck would not be entering the site off of Ogden Avenue from the north due to parked cars. The truck would have to enter on Fairview. He suggested making the alleyway a one-way eastbound to allow the trucks in which would stop any Ogden/Fairview bypass traffic that came down Florence and cut through the drive-through to avoid the red light on Ogden and Fairview. Mr. Clouston also added that school buses stopped currently at the corner of Lake and Fairview. He did not support the proposal.

Ms. Bonnie Christerson, 4332 Florence, voiced concern about cut-through traffic on Florence Street, the children on her street, lighting, noise and the smell of garbage.

Mr. Myki Romano, a resident of Lake Avenue, stated he worked in the food industry and was pleased that an organic store was coming to Downer Grove. However, he voiced concern about the traffic flow and the challenges of trucks maneuvering in the area and did not believe an entrance/exit should be placed on Fairview.

Mr. Joe Fisher, 4332 Florence, was pleased to see the development come in; however, the negative was the access on Florence. He also voiced concern about increased traffic, the safety of children on Florence, another grocery store that no one has heard of, as well as another fast food restaurant and their life expectancies.

Ms. Jeanne Bostedt, 438 Lake Avenue, voiced concern about the current traffic that travels her street already in the wrong direction and believed the vehicles would try to get out on Lake Street by avoiding Ogden Avenue.

Mr. Joe Schreiberreif, 430 Lake St., was sworn in, and stated trucks traveling down Fairview would block traffic while trying to enter the site causing a challenge for emergency vehicles. He voiced concern about the traffic there already. He suggested using the old Dominick's.

Mr. Paul Barr, 402 Sherman St., thought the project was a bad idea given the congestion already and agreed with the previous speakers. He resides where Fairview decreases from four lanes down to two lanes and noted that drivers usually speed to get ahead of each other. He asked for the traffic

engineer to speak to the matter and sign off on it. Lighting, property values, and reduced curb cuts were also a concern. Traffic was the issue.

Mr. Robert Adams, 4322 Florence, asked when construction would begin since his landlord told him he had to move out of the house. He also worked for a similar grocery store which had signage on a minor arterial road. He noted that no one will want to turn left out of the proposed site because it will not be possible unless there is a light. He believed the parking situation would be terrible and the site was not laid out well.

Petitioner, Ms. Mowen, responded that her company was currently under contract to purchase the land and the closing would be determined by the seller. She planned to have the store open early next year. Regarding circulation, she has worked with staff, the traffic consultant and IDOT to put together the best plan from an access perspective. She was cognizant about emergency vehicles being able to circulate the building. As far as the use for the out building, she explained she was not at liberty to discuss that yet but envisioned something like a Panera restaurant versus an intense use such as a McDonalds-type restaurant. She agreed with a prior resident that because of the open hour of operation was at 7:00 a.m. the intention was that the trucks would be able to arrive and maneuver through the parking lot since no vehicles would be in the lot that early in the morning.

Mr. Quirk commented about his own personal challenge of getting across Fairview Avenue at 8:00 a.m., the fact that the store would be patronized by the local residents, and everyone to the east would exit Florence, head north or south and take Ogden or circle back to Fairview and head south. Everyone to the west would exit south and exit to Fairview and either travel north on Ogden or south on Fairview. He envisioned the traffic on Fairview, from 7:30 to 8:30 a.m., Monday through Friday would be challenging.

Mr. Lewis Schriber of Shorewood Development, again, discussed the background of the Fresh Thyme Market store for the members and reiterated that the operations of the store were considered carefully and the business planned to expand into other markets in the next three to five years.

Mr. Al Rosenbostel, 618 Franklin Street, was sworn in and stated he is the master broker for Fresh Thyme and addressed the questions about peak hour travel times relative to rush-hour travel times for morning and afternoon. For Fresh Thyme, he stated the peak hours during weekdays were 3:30 p.m. to 6:30 p.m. Truck traffic was much earlier. He shared that the market would dictate and the truck drivers would determine the best delivery times for themselves. He also clarified that trucks would not be backing into the dock off of Florence. He shared that a normal grocery store has 8% of produce while Fresh Thyme will have 30% fresh produce at a lower price.

Resident, Mr. Donald Clouston inquired about the number of pop vendor and bread vendor deliveries, wherein Mr. Schriber explained there would only be wine, beer and pop vendors. Mr. Rosenbostel also reminded the commissioners that the store was focused on organic and natural foods, so not every pop vendor would be visiting the store. Mr. Clouston pointed out that the earlier statement of 3 to 4 trucks per day, mentioned earlier was incorrect. However, Mr. Rosenbostel clarified that there would be limited size semi trucks throughout the day with the smaller trucks making many deliveries. He further pointed out there was a truck study that was done to reflect the movements of a full size tractor trailer if they entered off of Ogden.

Mr. Tom Wager, 503 Lake, voiced concern that the Lake Street extension would be used by vehicles traveling west and that the residents would just like to get out of their street onto Fairview, wherein Mr. Schriber pointed out speed bumps would be used to deter everyday common use.

Mr. Joe Fisher, 4332 Florence, stated that regarding the truck trailer traffic that would be turning south on Fairview and attempting to make the turn into the site, he saw semis struggling to get around that corner when cars were sitting at the light. He voiced concern about the distance from Ogden to that entrance being one block and decreasing down to two lanes. He voiced concerns about congestion and trucks choosing to exit out onto Florence. He believed there were too many negatives against the petitioner.

Chairwoman Urban closed the public hearing portion of the meeting and asked for deliberation.

Chairwoman Urban summarized that the testimony included significant comments about traffic from the functionality of Fairview; how Florence was used; and whether Fairview was a designated truck route. She explained Ogden Avenue was a truck route and trucks did have to follow truck routes or risk receiving tickets on non-truck routes, which she believed would limit them to Ogden and Fairview Avenues. She believed the reduction of six curb cuts down to two would help the site disburse the traffic for what she considered a neighborhood grocery store.

Other commissioner comments/suggestions included limiting deliveries; reducing the signage on Fairview; the development was a good use for the site; traffic would be a challenge; it would be more logical to have the full access on Ogden to the east and the right in/right out to the west; could signage be posted at the west exit onto Fairview for vehicles to turn right or left turn only; limit the exit to the south on Florence to a No Right Turn since no one would be turning anyway (Dir. Tom Dabareiner confirmed that was limited by law.) Other comments included that it was a well conceived project but it was a small footprint; exiting the site to the west would be a challenge for vehicles; and the fact that any new development on Ogden would have a traffic issue along with the residential areas.

Mr. Beggs stated he could not support the plan as long as there was an exit out to Fairview but if it was reconfigured he would reconsider the plan. He cited the challenges of the traffic there. Mr. Quirk stated he would be fine if an exit-only existed onto Fairview for service vehicles only; Mr. Matejczyk concurred. A suggestion was made by Mr. Cozzo to install a right in/right out on Fairview; however, Dir. Dabareiner stated that he could ask the petitioner to look at turn restrictions but cautioned the commissioners that they were forcing residential traffic that wants to travel southbound on Fairview to use Florence and to circulate through the neighborhood.

Asked if there was any prior precedence of a case being referred to the Traffic and Parking Commission to review the specific site, Dir. Dabareiner indicated that the Traffic and Parking Commission was limited to reviewing public streets rather than access issues. Due to the comments and concerns raised, staff was asked on how to proceed with so many variables.

Mr. Popovich suggested the commission could have a traffic study completed prior to the proposal going to council to investigate the Fairview exit or the commission could make multiple motions. Asked if it would be appropriate to vote on the Fairview access points first, he believed if it was the largest issue, it made sense.

APPROVED – 4/7/14

MR. BEGGS MADE A MOTION THAT THE PLAN COMMISSION REJECT THE ENTRANCE/EXIT ONTO FAIRVIEW AVENUE.

SECONDED BY CHAIRWOMAN URBAN. ROLL CALL:

AYE: MR. BEGGS,

NAY: CHAIRWOMAN URBAN, MR. COZZO, MR. MATEJCZYK, MR. QUIRK, MR. RICKARD, MR. WEBSTER

MOTION FAILED. VOTE: 6-1

Discussion followed by Mr. Webster that no matter what the land becomes there would be issues at the intersection, or until the village and department worked together to do something different. Vehicles would continue to maneuver in various way to enter and exit the site and it was not in the commission's purview to second-guess where the vehicles would navigate on the site because different activities took place at different times of the day. He believed the traffic professionals were doing their job and he would put his trust in them. He supported the proposal knowing the traffic issues would resolve themselves.

WITH RESPECT TO PC 05-14, MR. WEBSTER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSTIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO APPROVE THE TWO ZONING ORDINANCE MAP AMENDMENTS, FINAL PLAT OF SUBDIVISION, SPECIAL USE AND PLANNED DEVELOPMENT DESIGNATION FOR THE COMPREHENSIVE REDEVELOPMENT AS REQUESTED IN CASE PC-05-14 SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE TWO ZONING ORIDINANCE MAP AMENDMENTS, FINAL PLAT OF SUBDIVISION, SPECIAL USE AND PLANNED DEVELOPMENT SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT; ARCHITECTURAL, ENGINEERING AND LANDSCAPE PLANS PREPARED BY GREENBERG FARROW DATED JANUARY 31, 2014 AND REVISED ON FEBRUARY 21, 2014; FINAL PLAT OF SUBDIVISION PREPARED COMPASS SURVEYING, LTD. DATED JANUARY 21, 2014 AND REVISED ON FEBRUARY 20, 2014, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT PERMITS, THE PETITIONER SHALL PAY A \$3,000 FEE IN LIEU PAYMENT FOR SIX NEW PARKWAY TREES.**
- 3. THE TWO BUILDINGS SHALL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM AND AN AUTOMATIC AND MANUAL FIRE ALARM SYSTEM.**
- 4. ALL PROPOSED SIGNAGE SHALL COMPLY WITH THE VILLAGE'S SIGN ORDINANCE.**
- 5. THE MENU ORDER BOARD SHALL BE EQUIPPED WITH AUTOMATIC VOLUME CONTROL.**
- 6. FOR STAFF TO REVIEW A SMALLER SIGN AND ILLUMINATION AREA ON FAIRVIEW AVENUE AREA THAT THE DEVELOPERS CAN ACCEPT**

APPROVED – 4/7/14

7. **ENHANCE THE BUILDING’S ELEVATOIN ON THE FLORENCE AVENUE SIDE OF THE FRESH THYME BUILDING TO INCLUDE SOME ADDITIONAL PEDESTRIAN-SCALE ELEMENTS TO MAKE IT MORE FRIENDLY**
8. **TO ADD A SIDEWALK CONNECTION FROM THE REAR (SOUTH) PARKING AISLE TO THE REAR OF THE STORE BUT IF NOT POSSIBLE THEN TO THE FRONT ENTRANCE.**

SECONDED BY MR. MATEJCZYK. ROLL CALL:

Mr. Beggs stated he would not support the motion, even with the additional conditions as added. He was voting Nay because the development included the entrance and exit on Fairview Avenue.

AYE: MR. WEBSTER, MR. MATEJCZYK, MR. COZZO, MR. QUIRK, MR. RICKARD, CHAIRWOMAN URBAN

NAY: MR. BEGGS

MOTION CARRIED. VOTE: 6-1

OTHER BUSINESS:

Mr. Popovich announced the next meeting was on April 7th with two petitions so far.

THE MEETING WAS ADJOURNED AT 10:24 P.M. ON MOTION BY MR. COZZO, SECONDED BY MR. QUIRK. MOTION CARRIED BY VOICE VOTE OF 7-0.

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)