

APPROVED 10/6/14

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

AUGUST 4, 2014, 7:00 P.M.

Chairman Pro tem Webster called the August 4, 2014 meeting of the Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and the public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Commissioners Mr. Cozzo, Mr. Matejczyk, Mr. Quirk, Mrs. Rabatah, Mr. Rickard, Mr. Waechtler, Chairman Pro tem Webster; ex-officio Ms. Lupescu

ABSENT: Chairperson Urban (ex-officios Mr. Menninga, Mr. Souter)

STAFF: Planning Manger Stan Popovich and Planners Patrick Ainsworth and Kelley Chrisse

VISITORS: Mr. Tim Leoren, 545 Chicago Ave., Downers Grove; Mr. Tom Szot, 3848 Florence, Downers Grove; Mr. Melvin Lee, 3840 Florence, Downers Grove; Mr. Michael Ferrandino, 3848 Wilcox, Downers Grove; Mr. Weng Foong, 1433 Fullerton Ave., #B, Addison, IL; Ms. Dawn Rhodes and Penny Ewanic with Chicago Tribune; Mr. David Schafer, Architect, 2500 S. Highland Ave., Lombard, IL; Dr. Kenneth Eisenberg, petitioner; Mr. Frank Wislowski, 4941 Forest, Downers Grove

APPROVAL OF JULY 7, 2014 MINUTES

MINUTES OF JULY 7, 2014 WERE APPROVED ON MOTION BY MR. WAECHTLER, SECONDED BY MR. QUIRK. MOTION CARRIED BY VOICE VOTE OF 7-0.

PUBLIC HEARINGS:

Chairman Pro tem Webster reviewed the protocol for the meeting and swore in those individuals that would be speaking on the following petition:

FILE PC-20-14: A petition seeking approval of a Special Use to expand an existing veterinary clinic. The property is zoned DB, Downtown Business. The property is located on the east side of Forest Avenue approximately 300 feet north of Warren Avenue, commonly known as 4945 Forest Avenue, Downers Grove, IL (PIN 09-08-116-012). David Schaefer, Petitioner; Kenneth Eisenberg, Owner.

Village Planner Patrick Ainsworth reviewed and summarized the request before the commissioners noting all public hearing notices were posted in accordance with Section 12.01F of the Zoning Ordinance. One comment was received from a neighbor to the south and there was one concern from a neighbor to the north which would be addressed further into the presentation. Photos of the subject site were presented, with Mr. Ainsworth noting there was no direct access off the east side

of the site and a one and one-half-story residential home sat on the site which was converted into a commercial use. The current owner established the business as a permitted use in 2001 but when the area was rezoned to Downtown Business, this use became a lawfully established special use. The proposed expansion of the building triggered the requirement for the special use.

Per Mr. Ainsworth, the owner plans to remove the second floor apartment unit and expand the second-story toward the rear of the structure to add break rooms/offices for its employees and veterinarians. The existing trash enclosure will be relocated, as depicted in the east elevation. Photos of the parking lot followed with staff recommending that the western most parking space be converted to green space. Handicap accessible spaces would be added as well as striping. A floor plan and elevations followed.

Because the site is located in the Downtown Business District, Mr. Ainsworth shared that the applicant has to follow the downtown design guidelines. Mr. Ainsworth stated that within the Downtown Business district, the petitioner can build up to the property line. The proposed addition will be six inches from the north property line. Bulk standards were reviewed. Mr. Ainsworth reported that the building coverage increases slightly from 19.2% to 22.1% but the amount of green space was increasing.

Staff recommended approval of the special use and for the expansion of the additional space. The petitioner was looking to expand the structure to better service his customers and employees.

Per questions, Mr. Ainsworth confirmed the petitioner will be required to add sprinklers throughout the building and there was no access easement to the south. Other concerns raised included the proximity of the bumper overhang to the drive aisle with Mr. Ainsworth stating there were no modifications to the existing parking lot except those noted earlier in his report. Mr. Ainsworth further explained the rationale for removing the one parking space: to increase the green space and bring the building closer to conformity. However, Mr. Quirk was quick to point out that the business was operating for the past 12 to 15 years prior to the Business District being created and, eliminating the one space was basically an inconvenience for those with pets having an emergency, especially if the petitioner did not have it in his request. However, Mr. Ainsworth explained it was the Plan Commission's discretion to make the conditions accordingly but staff did meet with the petitioner and property owner to discuss the increased green space which they submitted in the petition.

Continuing, Mr. Ainsworth reported that the existing handicap ramp will remain in place.

Petitioner, Mr. David Schaeffer, 4830 Lee, Downers Grove, stated he is the architect for Dr. Eisenberg's proposed expansion and explained that the front of the site is dedicated to client parking with green space on the north side of the front lot. Employees park in the rear. Again, the parking delineation was explained to the commissioners by Mr. Schaeffer, noting the parking spaces will be striped but will decrease in number due to the village's requirement to add green space and the handicap space/access aisle

Mr. Schaeffer proceeded to explain the building expansion which includes a new 264 sq. foot first-floor addition and a 1,068 sq. feet second floor addition. Details followed on the renovations planned noting it was the doctor's objective to create a more professional environment for the doctors by moving offices from the basement to the second floor, creating a separate break room for

staff, and improving the flow and energy performance (sound proofing and insulation) of the rear kennel area. A new interior stairwell will be added for employee access. The existing tree and fence will be removed to allow for the expansion to the property line. Similar building materials will be used to match the existing building.

Mr. Schaefer proceeded to explain how the liquid and solid waste would be addressed. Per commissioner questions, Mr. Popovich explained that the parking lot striping was required and Mr. Schaefer could not confirm whether the current driveway was shared with the rear parking lot with the building to the south. He deferred that question to the owner.

Dr. Ken Eisenberg, 1656 Prairie, Downers Grove, explained the history of the building and how he converted it from a former printing shop. He shared the challenges with the parking lot. He also shared that he did discuss with staff the issue of green space and the fact that he basically had to agree with the village's Downtown Business district guidelines for green space. Personally, he believed it was easier to get around without it. Dr. Eisenberg did confirm that he shared the common alleyway with the property to the south which he said was enough for one car to traverse and it would remain the same. Regarding the neighbor to the north, due to allergies, he stated his addition would have no windows or fans that would blow into that neighbor's area. That same neighbor was also the one neighbor that did not receive a mailed hearing notice on this petition but he did meet with the neighbor today to answer her concerns. As to the Appointment Only signage, Dr. Eisenberg explained it was to control walk-ins mostly, but there were emergencies sometimes.

Asked if there was parking on Forest, Mr. Popovich recalled there was two-hour parking on both sides of the street.

Regarding the letter from the owner to the south who had concerns about water drainage, Dr. Eisenberg explained the building to the south was a former AT&T building with its trucks parked, draining water from the storm sewers, about six times a year. He stated the area seems to back up and flood. He stated his property does not flow into the neighbor to the south and the neighbor's property has valleys that accumulate water. Mr. Ainsworth stated that the village development engineer reviewed the proposal twice noting that the project "will not make the surrounding properties any worse but not any better." Dr. Eisenberg pointed out the owner to the south could improve his drainage by adding gutters, since he had a flat roof.

Acting Chairman Webster opened up the meeting to public comment.

Mr. Frank Wislowski, 4941 Forest, Downers Grove, attorney representing Judge Mary Ellyn Provenzale, stated he was withdrawing her objection to the project since his client's issues were resolved.

Hearing no further comments, public comment was closed. Mr. Schaefer had no closing comments.

Mr. Waechtler, Mrs. Rabatah and Mr. Quirk commended and thanked Mr. Schaefer and Dr. Eisenberg for providing the details of their proposal, meeting with the neighbors, solving some of the on-site issues and making an investment to enhance the quality of the community. Mr. Cozzo noted that the Standards for Approval for a special use were met. Mr. Quirk, however, challenged staff's Condition No. 3 in its report, summarizing that parking is not required and the petitioner has every right to build up to the front lot line and use the space for parking. He believed it was unfair

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to address the partial non-conformity and to judge, to what extent, the Plan Commission will accept a non-conformity moving forward. Also, he said the village was asking the petitioner to replace one side of the sidewalk with natural grass. Mr. Quirk suggested that the commission make a motion to approve the petition with the exception of Item 3 and let the petitioner address their green space.

Mr. Popovich explained that part of the zoning ordinance states that if parking is voluntarily provided, it has to meet the standards of the parking ordinance. While staff understood the need for parking and the need for customers to park in the front yard there was the requirement to screen parking from public view. As to the live plant material, Mr. Popovich explained AstroTurf was not considered green space but shrubs and other live plant material could be planted in place of turf.

Mr. Quirk did not want to see the commission take away from a growing and prosperous business that was in the community for many years. Mr. Ainsworth referenced Section 28.7.070, Off-site Parking in the Downtown, and pointed out that with the added green space and the drainage and low topography of the area, staff was trying to reach a compromise for the street yard parking versus omitting all street yard parking, as well as decrease water run-off to the southern neighbors. Referencing the Special Use process, he explained that staff takes additional steps, if possible, to reduce any non-conformities. Mr. Rickard mentioned that one could argue that the limited green space gained by reducing one parking space is going to offset the additional impervious building addition since they were about the same size. While he did not support being punitive toward existing businesses either, he believed it was a fair swap.

Mr. Quirk appreciated staff's input and said if the petitioner was fine with staff's condition, he was fine with it also. Mr. Cozzo asked for clarification about the green space material.

WITH RESPECT TO FILE PC 20-14 MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD TO THE VILLAGE COUNCIL A POSITIVE RECOMMENDATION FOR THE PROPOSAL, INCLUDING THE FOLLOWING FOUR (4) CONDITIONS:

- 1. THE SPECIAL USE SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT AND ARCHITECTURAL DRAWINGS PREPARED BY DAVID A. SCHAEFER ARCHITECTS DATED APRIL 15, 2014 WITH THE LATEST REVISIONS ON JULY 8, 2014, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. THE BUILDING SHALL HAVE FIRE SUPPRESSION AND DETECTION SYSTEMS IN A MANNER SUITABLE TO THE FIRE PREVENTION BUREAU CHIEF.**
- 3. THE WESTERNMOST OFF-STREET PARKING SPACE SHALL BE ELIMINATED AND TURNED INTO LIVE GREEN OPEN SPACE.**
- 4. THE REFUSE CONTAINER SHALL BE RELOCATED TO THE EAST ELEVATION AND BE SURROUNDED BY A CODE COMPLIANT REFUSE ENCLOSURE.**

SECONDED BY MRS. RABATAH.

ROLL CALL:

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**AYE: MR. WAECHTLER, MRS. RABATAH, MR. COZZO, MR. MATEJCZYK,
MR. QUIRK, MR. RICKARD, ACTING CHAIRMAN WEBSTER**

NAY: NONE

MOTION CARRIED: VOTE: 7-0

FILE PC-21-14: A petition seeking annexation and rezoning from R-1, Single Family Residence, to R-3, Single Family Residence. The property will be annexed with the default zoning of R-1, Single Family Residence. The property is located at the northeast corner of 39th Street and Fairview Avenue, Downers Grove, IL (PINs 06-33-301-014, -015). Weng M. Foong, Petitioner; Sunway Realty LLC, Owner.

Village Planner Kelley Chrise reminded the commissioners that with the new zoning ordinance in place, neighbor communications can be required for rezonings. The proposal before them, however, did not because the request was to rezone to from single family to single family. A review of the petition followed noting the voluntary annexation portion would be heard by the village council separately. Continuing, Ms. Chrise reported the parcel consists of two lots (Lots 10 & 11) and is located on the northeast corner of 39th Street and Fairview Avenue. If the annexation was approved, it would render an R-1 zoning classification by default. Adjacent zoning was pointed out, noting there were R-3 zonings to the south. A single-family home currently sat on Lot 10 and the petitioner was requesting the rezoning to construct a new single-family home on Lot 11. Photos of the site and neighborhood followed.

Ms. Chrise pointed out that any lots that are non-conforming and are adjacent to lots are held in common ownership, the lots must be consolidated to meet the minimum lot area and width requirements. Without the rezoning, the petitioner could not build a single family home on Lot 11. Bulk regulations were then reviewed with Ms. Chrise pointing out that regardless of the zoning designation, the petitioner would have to meet the 40-foot building line along 39th Street to maintain consistent street presence. One benefit, however, was that along Fairview Avenue, the petitioner could have a 30 ft. setback instead of a 40 ft. setback. Bulk standards were reviewed along with the benefits of the rezoning.

Per Ms. Chrise, the proposal was consistent with the village's Zoning Ordinance, Comprehensive Plan, and surrounding zoning and land use classification. Staff recommended the Plan Commission forward a positive recommendation to the Village Council.

Mr. Quirk inquired as to why the owners actually wanted to annex into the village; Mr. Waechtler confirmed the default R-1 District zoning when a property is annexed into the village; and Ms. Chrise explained that with the R-1 zoning, the owners would not be able to use Lot 11 as a separate buildable lot. Staff proceeded to clarify what properties were annexed in the area and the fact that when annexation occurs, rights-of-ways are included in the annexation. (A dialog followed regarding boundary agreements and contiguous properties and properties in other villages.)

Petitioner, Mr. Weng M. Foong, 1433 W. Fullerton Avenue, Addison, IL representing Mr. Woon Lee of Sunway Realities (owner), appeared before the Plan Commission noting that Mr. Lee was out of the country at the time. Mr. Foong discussed comparisons of the subject properties against other properties along 39th Street. He stated the owner wanted to annex because it gave the sense of belonging to a community and the sites were already receiving exceptional municipal services. He

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noted the positive services he received from Ms. Chrissy and the village's Planning Division overall. He asked for consideration and hoped the commissioners would provide a favorable recommendation.

Chairman Pro tem Webster invited the public to speak.

Mr. Michael Ferrandino, 3848 Wilcox, Downers Grove, resides just north of the petitioner and was concerned about the height of the structure and whether a driveway would be created off of Fairview, which was a traffic hazard. He would not support the proposal if it did.

Ms. Chrissy indicated that the maximum height for either lot is 35 feet according to the village's ordinance. As to the driveway, Mr. Foong stated he intends to construct a 2,000 square foot house on Lot 11 with a side-loading garage and driveway accessible from 39th Street. He intends to construct to village code and have the height less than 35 feet. Structure materials would include siding on three-sides with a brick front facade. Although he intends to keep as much vegetation as possible, some of the trees on Lot 11 will have to be removed. The current home would be renovated.

Hearing no further comments, public comment was closed. Mr. Foong had no closing remark. Deliberation was entertained.

Mr. Cozzo stated that the review and approval criteria had been met; the chairman pro tem concurred. Questions followed whether the commission could approve the rezoning before the annexation wherein staff indicated it could, citing prior examples.

WITH RESPECT TO FILE PC 21-14, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THIS REQUEST.

SECONDED BY MR. RICKARD.

ROLL CALL:

AYE: MR. COZZO, MR. RICKARD, MR. MATEJZYK, MR. QUIRK, MRS. RABATAH, MR. WAECHTLER, CHAIRMAN PRO TEM WEBSTER.

NAY: NONE

MOTION CARRIED: VOTE: 7-0

NEW BUSINESS

Planning Manager Popovich announced that staff will be providing an update on some of the projects that have come before the commissioners. (Ms. Lupesco exits chambers). Mr. Waechtler shared that prior staff used to provide of recap of what the commissioners previously recommended and what was approved/ denied by village council. He stated that report was very helpful.

Ms. Chrissy then shared a development update on the following previous projects: the Sheltered Care Facility at 4200 Lacey Road; Starbucks at 1149 Ogden Ave; Dunham Townhouses;

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McDonalds at 2535 Ogden Ave., the Fresh Thyme development; and Midwestern University. Commissioners agreed frequent updates were beneficial.

Other discussion followed regarding the status of a business located at Belmont and Ogden; a special use that was approved prior; and the status of the extension of James Avenue.

Mr. Popovich announced the following: he will contact the commissioners as to whether there will or will not be a September 8, 2014 commission meeting; the village is moving towards electronic packets starting at the next meeting; that commissioners contact him if they need a laptop to use for the electronic packets; and that one opening exists on the Plan Commission, since Mr. Beggs has resigned.

**THE MEETING WAS ADJOURNED AT 8:58 P.M. ON MOTION BY MR. QUIRK,
SECONDED BY MR. RICKARD. MOTION CARRIED BY VOICE VOTE OF 7-0.**

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