

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

Thursday, September 1, 2016

I. CALL TO ORDER

Chairman Strelau called the September 1, 2016 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

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

ABSENT: Mr. Austin, Ms. Fregeau, Mr. Krusenoski

STAFF: Liaison to the Liquor Commission Carol Kuchynka, Village Attorney Enza Petrarca

OTHERS: Lawrence Inzano, Elizabeth Yang, Ming Geng, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the July 7, 2016 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the July 7, 2016 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 liquor licenses within 60 days."

"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."

La Cuisine Catering - 1201C Butterfield

Chairman Strelau stated that the next order of business was an application hearing for La Cuisine Catering, Inc. d/b/a La Cuisine Catering located at 1201C Butterfield Road. She stated that the applicant was seeking a Class "K-1", full alcohol, catering 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. Lawrence Inzano was sworn in by the court reporter. Mr. Inzano introduced himself as the liquor manager and part owner of La Cuisine Catering.

Chairman Strelau asked the applicant to present its case.

Mr. Inzano stated that he and his wife, Linda, have operated an off-premise catering company for 36 years. He stated that they operated out of their first commercial location in Oak Brook Terrace for 25 years, moved to their second location in Wheaton where they have been for the past 6 years and now plan to relocate to Downers Grove. He stated that they held licenses in both Oak Brook Terrace and Wheaton. He stated that a majority of their business is in the Downers Grove, Oak Brook and Hinsdale area and found that Downers Grove would be a more centralized location for them to operate from.

Mr. Inzano stated that they strictly offer off-premise catering services and noted there is no on-site consumption and that the Downers Grove location will be used for food prep and storage of inventory, place settings, linens and the like.

Mr. Inzano stated that all servers are BASSET trained. He stated that he is aware, that in addition to the Downers Grove license, municipalities may require a special use license and/or have guidelines and additional restrictions in order for them to serve liquor at an event.

Mr. Inzano stated that last year sales total approximately \$1.3 million and they sold approximately \$85,000 in liquor. He stated that along with food and liquor service they offer equipment rentals, soft drinks and non-alcoholic beverages. He stated that they charge separately for the service staff.

Ms. King asked how many bartenders they staff for an event. Mr. Inzano replied that number depends on the amount of guests and the venue. He stated that they recommend one bartender for every 100 people and recommend that clients have two bartenders for 150+ guests.

Ms. King asked about their carding procedures. He stated that bartenders are instructed to ask guests for identification from those who appear under 25 and added that they will also confirm with the client how many under 21 guests they plan to have. He stated that the number of guests and final payment is due 10 days prior to the event. He stated that the bar package is offered for 21+ guests and a non-alcoholic and soft drink package pricing is offered for those who are under 21.

Ms. King asked Mr. Inzano if he is present at every event. Mr. Inzano replied either him or his partner, who is his wife will be present and noted that a Captain is also assigned to every event.

Ms. King asked if they have had any issues with underage service. Mr. Inzano replied that it is their policy to offer only one drink per person at a time to discourage adults sharing drinks with minors. He stated that the Captain is instructed to locate those that are under 21 with the help of the client to ensure that those individuals are not being served alcohol.

Ms. King asked about the number of employees. Mr. Inzano replied there are 8 full time and 15 part time staff members. Ms. King asked if they are all over 21. Mr. Inzano replied 3/4 of their staff is 21 and over.

Mr. Jacobson stated that their application packet looked good and welcomed them to Downers Grove. Mr. Inzano replied he was looking forward to the good location.

Mr. Clary asked how the liquor inventory was stored. Mr. Inzano replied that liquor inventory will be locked up and stored in a secure room in the facility. He stated that they take inventory after every event in order to control what is consumed.

Chairman Strelau noted their many years of experience. She asked staff if there were any liquor violations noted from the background checks. Ms. Kuchynka replied that none were reported. She informed the Commission that control buy tests are not done by the Village at a catered event as it would be difficult to have a special agent at a private function. She noted that a test could be done if they catered an event that was open to the public.

Chairman Strelau stated that management sets the tone and tenor to staff and the importance of proper liquor serving. She liked the fact that they track their liquor inventory.

Chairman Strelau asked when the new location will be ready. Mr. Inzano replied that they were currently in the build-out stage and they hoped to be in the facility by November.

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 satisfactory background checks, the annual fee, Certificate of Occupancy and dram shop insurance.

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 "K-1" liquor license application.

MR. JACOBSON MOVED TO FIND LA CUISINE CATERING, INC. D/B/A LA CUISINE CATERING LOCATED AT 1201C BUTTERFIELD ROAD QUALIFIED FOR A CLASS "K-1", FULL ALCOHOL CATERING LIQUOR LICENSE. MR. CLARY SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Motion carried.

Lao Sze Chuan - 1331 Ogden

Chairman Strelau stated that the next order of business was an application hearing for GM Gourmet, Inc. d/b/a Lao Sze Chuan located at 1331 Ogden Avenue. She stated that the applicant was seeking a Class "R-1", full alcohol, on-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. Elizabeth Yang and Mr. Ming Geng were sworn in by the court reporter. Mr. Geng introduced himself as the liquor manager and new owner of Lao Sze Chuan. Ms. Yang introduced herself as the owner's assistant. Ms. Yang stated that English is not her native language but would try her best to explain the operation and answer questions from the Commission.

Chairman Strelau asked the applicant to present its case. Ms. Yang stated that Lao Sze Chuan is an existing Chinese restaurant that has been in operation for the past 10 years. She stated on August 1st, the restaurant changed ownership. She stated that they were seeking a new liquor license under the new ownership.

Chairman Strelau asked Ms. Yang her affiliation with the establishment. Ms. Yang replied that she was the manager under the former owner. Chairman Strelau asked Mr. Geng to clarify his position. Mr. Geng replied he is the new owner and liquor manager.

Chairman Strelau asked if the restaurant held a liquor license prior to the ownership change. Ms. Yang replied yes and stated that they needed a new license as the ownership has changed.

Mr. Jacobson stated that it was his understanding that the ownership changed due to the fact that Mr. Hu was charged with some crimes. He asked if Mr. Hu had any involvement with the establishment. Ms. Yang replied that Mr. Hu sold the restaurant but that he was still the landlord of the building.

Mr. Jacobson asked Ms. Yang and Mr. Geng what their roles were with the prior corporation. Ms. Yang replied that she worked as a manager at the Downers Grove location. Mr. Geng replied he worked for Mr. Hu at the Chinatown location for the past 5 years. Mr. Jacobson asked Mr. Geng if he was a manager there. Mr. Geng replied no.

Mr. Jacobson stated that according to the court case and plea agreement, some managers were keeping cash and not reporting sales for the establishment and asked if either of them were involved. Ms. Yang replied that they were not involved in that activity. He stated that Downers Grove was named in the federal indictment.

Mr. Jacobson asked about their liquor handling experience. Ms. Yang replied that she was a manager for 10 years, since 2006. She stated that 90% of sales are food sales, with only 5-10% are alcohol sales.

Mr. Jacobson asked Ms. Yang if she handled liquor while she was manager at the Downers Grove location. Ms. Yang replied yes.

Ms. Yang stated that they instruct servers to ask for identification and that servers are all 21 and over. She stated that staff meets weekly to talk about issues, refresh the liquor information and discuss careful liquor service. Mr. Jacobson asked who conducts those meetings. Ms. Yang replied herself and another waitress.

Mr. Clary asked if there were any violations over the past 10 years. Ms. Kuchynka replied they passed nine of ten tests conducted at the establishment. She noted there was one violation in 2013.

Mr. Clary asked who was listed as liquor manager at the Downers Grove location. Ms. Yang replied Mr. Hu.

Mr. Clary asked whether Ms. Yang and Mr. Geng both had a BASSET certification. Ms. Yang and Mr. Geng replied yes.

Mr. Clary asked how many servers they have. Ms. Yang replied four full time.

Mr. Clary asked where liquor is served from. Ms. Yang replied that they have a small mini service bar only which servers get and bring to the table. Mr. Clary asked if all servers are over 21. Ms. Yang replied yes.

Ms. King asked Ms. Yang if either or both her and Mr. Geng are always at the restaurant. Mr. Geng replied Ms. Yang is always at the establishment.

Ms. King asked about the violation. Ms. Kuchynka replied that it was service to an underage agent with no aggravating circumstances. She stated that they received a one day suspension and administrative hearing costs.

Ms. King asked Ms. Yang what they have changed since the last violation. Ms. Yang replied that they emphasized proper liquor services and implemented regular staff meetings and refresher liquor training. She stated that staff is told to ask for identification from anyone under 35. Ms. Yang noted that the employee involved in the sale no longer worked there.

Chairman Strelau asked if any other violations were noted. Ms. Kuchynka replied no.

Chairman Strelau asked if Mr. Hu had any capacity with the new restaurant aside from being the landlord. Ms. Yang replied Mr. Hu only serves as the landlord. She stated that Mr. Geng took over ownership since August. 1st.

Chairman Strelau stated that one violation in 10 years is not perfect but they took steps since the last violation and hope that they continue to hold regular weekly meetings with staff.

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 satisfactory background checks, the annual fee and an updated Certificate of Occupancy with the new ownership.

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 "R-1" liquor license application.

MR. CLARY MOVED TO FIND GM GOURMET, INC. D/B/A LAO SZE CHUAN LOCATED AT 1331 OGDEN AVENUE QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. KING SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Motion carried.

VI. OLD BUSINESS

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

Ms. Kuchynka discussed the month end reports for July and August. She advised that the annual renewals went well. She stated that the renewal for Taste Indian Chinese Cuisine was held until the licensee served the 10-day suspension in mid-August and paid the \$1,000 violation hearing fee.

Ms. Kuchynka advised that an ordinance was approved by the Village Council on August 2nd concerning Happy Hour regulations. She stated that she included a copy of the ordinance and provided the Commission with a copy of the Liquor Newsletter that had gone to all licensees concerning the adopted changes. She stated that a copy of the State law concerning happy hour regulations that was adopted was provided to licensees along with a guideline on promotions provided by the Illinois Liquor Control Commission.

Ms. Kuchynka stated that licensees were advised of the new State law concerning BASSET certification and that it is now required to be completed every three years for employees of on-premise consumption license holders.

Chairman Strelau asked staff to send the Commission a copy of the newsletter. Ms. Kuchynka replied that it was in the month end report for August.

Ms. Kuchynka stated that she included an updated classification chart of current license holders as of July 1st as a result of the annual renewals.

Ms. Kuchynka stated that licensees were advised of the State of Illinois driver's license changes. She stated that the State has not come out with a complete guide and samples of the changes. She stated that she sent licensees an overview of the changes that was on the Secretary of State website. She noted that a few licensees have contacted her about the paper renewals. Chairman Strelau asked if the paper renewals are acceptable. Ms. Kuchynka replied that patrons will have to provide both the original driver's license (that will be hole-punched), along with the paper renewal document in order to prove their age. She advised them if they are ever in doubt about an identification, they should refuse the sale.

Chairman Strelau stated that she received her renewed license in the mail after she renewed on-line and paid a fee.

Ms. Petrarca reported that they will have a new liquor commission member at the next hearing. She advised that appointment will be made on September 13th.

The Commission discussed the change of ownership of Lao Sze Chuan. Mr. Jacobson stated that cash sales were not reported income and it was reported that managers of the establishments may have been involved. He stated that if a shareholder has a felony conviction, they cannot hold a license. Ms. Kuchynka agreed and stated that Mr. Hu still has a right to own the property. Chairman Strelau stated Ms. Yang stated that Mr. Hu had no affiliation with the current establishment other than being landlord.

VII. NEW BUSINESS

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

Ms. Kuchynka stated that she had an application on file and expected to have a meeting on October 6th.

VIII. COMMENTS FROM THE PUBLIC

There were none.

IX. ADJOURNMENT

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

Ms. King moved to adjourn the September 1, 2016 meeting. The meeting was adjourned by acclamation at 7:13 p.m.

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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

NOVEMBER 7, 2016, 7:00 P.M.

Chairman Rickard called the November 7, 2016 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Mr. Boyle, Ms. Gassen, Ms. Hogstrom, Mr. Maurer, Mr. Thoman

ABSENT: Mr. Cronin, Ms. Johnson, Mr. Quirk

STAFF: Rebecca Leitschuh, Senior Planner; Swati Pandey, Planner; and Scott Williams, Planner

VISITORS: Mr. Graham Grady, Taft/Law, 111 E. Wacker Drive, Chicago; Mr. Jason Jarrett, Okrent Kisiel Assoc., 122 S. Michigan Ave., Chicago; Mr. Branden Barnes, Fry's Electronics, 1641 Tarabelle Place, Naperville; Ms. Betsy Beckmann, 3812 Douglas, Downers Grove; Mr. Brian Reno, Ms. Shandra Weaver, Ms. Cristina Maggi, Ms. Siobhan Mooney with Stantec, 135 S. LaSalle St., Chicago; Mr. Rich Kulovany, 6825 Camden, Downers Grove; Mr. Michael Kasshent, U.S. Bank, 136 S. Washington, Naperville; Vinko Topic, 3830 Venard;

APPROVAL OF MINUTES

OCTOBER 3, 2016 MINUTES – MOTION BY MR. THOMAN, SECONDED BY MR. BOYLE, TO APPROVE THE MINUTES AS PRESENTED. MOTION CARRIED BY VOICE VOTE OF 6-0.

PUBLIC HEARINGS:

Chairman Rickard explained the protocol for the public hearing and swore in those individuals that would be speaking on the petition below.

FILE 16-PLC-0044: A petition seeking approval of a Planned Unit Development and Zoning Map Amendment, rezoning from B-3 (General Services and Highway Business) to B-3/PUD. The property is located at the southwest corner of Finley Road and Opus Place, east of I-355, commonly known as 3300 Finley Road, Downers Grove, IL (PIN 06-31-101-017). Graham Grady, Petitioner; Urbs in Horto c/o Fry's Electronics, Owner.

Village Planner, Ms. Pandey summarized that the petitioner, Fry's Electronics, would like to create a Planned Unit Development in order to make changes to its existing wall and freestanding signage on the property and to rezone the property from B-3 General Services and Highway Business to B-

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3/Planned Unit Development. An aerial view of the site was presented to explain the access challenges to the site.

A history of the site's signage from 2004 was explained by Ms. Pandey, noting the petitioner's current signage of 1,187 sq. feet was not in compliance with the village's adoption of its 2005 sign ordinance. Today's sign ordinance would allow the petitioner a total of 300 sq. feet of signage excluding some additional signage which would be discussed below.

Per staff, the petitioner was proposing 915 square feet of signage. The signage on the north and south façades would remain; the signage on Finley Road and Interstate 355 would be removed. A total of three (3) free-standing signs will be allowed for Fry's Electronics, two of which exist currently and one is proposed along the tollway, which is permitted per ordinance. The existing monument signs will remain. As a point of clarification, Ms. Pandey stated the existing four wall signs and the existing monument sign on the property constituted the allowed 300 square feet but with the removal of the wall signage on the east and west sides, the total signage became 915 sq. feet. The shared monument sign and the tollway monument sign is permitted in addition to the maximum allowance of 300 square feet. A red band was planned to be added to all four sides of the building.

Ms. Pandey closed her presentation by explaining how the petitioner's application met the village's Comprehensive Plan and said the signage was better aligned with the village's goals of the sign ordinance. A review of how the petition met the village's Standards for Approval followed. Staff recommended a positive recommendation to the village council subject to staff's conditions listed in its report.

Commissioner questions followed as to the distance of the southern wall signage to Interstate 355 and whether the monument sign was large enough to attract customers to the Fry location, given the speed and distance vehicles travel and given the retailer brought substantial retail tax revenue to the village. Ms. Leitschuh explained that the monument sign would have height issues whereas the wall sign would not. Further discussion followed.

Mr. Graham Grady with the firm of Taft Law & Hollister, Chicago, Illinois, introduced his team. He discussed that Fry's Electronics was pleased to remove its signs to bring the store into compliance but he also explained that the red band on the building was in response staff's suggestion to enhance the appearance of the building's walls. Further discussion by Mr. Grady followed regarding the signage and the fact that no residences were affected by it.

Mr. Branden Barnes, store manager for Fry's Electronics, emphasized that the store was trying to become more visible and the store contributed significant sales tax revenue to the village, additional signage was essential for the economic viability of the site.

Mr. Jason Jarrett, Okrent Kisiel Associates, Chicago, IL, a certified planner, confirmed he reviewed the proposal with respect to the PUD standards of the zoning ordinance and prepared the statement of compliance that was submitted as part of the application. He explained how he reviewed the proposal in further detail and provided his professional opinion.

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Mr. Grady returned and confirmed that Fry's Electronics took over the blighted site in 2004, the sign ordinance passed in 2005, and he went before the Zoning Board but was denied in the area of hardship. Mr. Grady explained what prompted this application originally.

The chairman invited public comment. No comments were received. Public hearing was closed.

Mr. Grady asked the commissioners for a favorable consideration.

Mr. Maurer shared the positives of the building and its regional draw, but he also expressed the challenges of seeing the building from the expressway and applying "one signage ordinance to everything." However, he believed a compromise was being made and it was not harming anyone. Mr. Maurer also recommended not painting the red band because he believed it was extending the signage, costing the applicant, and it offered no benefit to the building.

Mr. Thoman believed what was being proposed was not out of character for a large retailer, noting the land use goal was to generate sale tax revenue for the village. While he stated the sign ordinance was a one size fit all from the start, he believed there were clear differences between 75th Street, the Ogden Avenue Corridor, Butterfield Road and other corridors where the sign ordinance did not fit and believed the village would have to address that in the future. He supported staff's recommendations but questions whether the monument sign was large enough to see.

Many of the other commissioners were in agreement with the above comments and also felt that the red band was not necessary. Staff explained to the commissioners how changes could be made to the proposal if desired and Mr. Grady offered to make those changes if the commissioners desired.

The chairman also shared positive comments about the proposal, noting the red band could be optional. He believed the review criteria for the PUD were met as were the zoning map amendment and that staff's recommendations were straightforward. However, he stated Mr. Thoman expressed concern about the sign ordinance changing in the future. He did not see the purpose of staff's second recommendation, however, since the PUD was being granted and the exception was the size, it was recommended by staff that the condition be included but Plan Commission can remove it, if desired.

Ms. Leitschuh stated if the sign ordinance were to change, the petitioner would fall under the new rules of the sign ordinance.

WITH RESPECT TO FILE 16-PLC-044, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THIS PETITION, SUBJECT TO THE FIRST CONDITION IN STAFF'S REPORT BUT NOT REQUIRE THE RED BAND TO GO ON THE BUILDING.

SECONDED BY MS. GASSEN. ROLL CALL:

**AYE: MR. THOMAN, MS. GASSEN, MR. BOYLE, MS. HOGSTROM, MR. MAURER,
CHAIRPERSON RICKARD**

NAY: NONE

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MOTION PASSED. VOTE: 6-0

FILE 16-PLC-0047: A petition seeking approval of a Zoning Map Amendment, rezoning from R-2 (Residential Detached House 2) to R-1 (Residential Detached House 1). The property is located at the southwest corner of 36th Street and Douglas Road, commonly known as 3604 Douglas Road, Downers Grove, IL (PIN 06-32-406-021). Elizabeth Beckmann, Owner.

Ms. Pandey reviewed the proposal and stated that the properties at 3604 & 3612 Douglas Road are under common ownership. The property to the north at 3604, was purchased by the owner with the intent of consolidating both properties and adding an addition to the north side of the home. In order to consolidate the lots, the home must be under the same zoning designation. The property to the north was R-2; the property to the south was R-1 and the owner wanted to designate the 3604 Douglas Road property as R-1.

Ms. Pandey explained that prior to any building permits being issued or final approval of the Plat of Consolidation, the village will require the owner to demolish the structures on the property. Per Ms. Pandey, the proposal met the goals of the village's comprehensive plan, the rezoning would have no impact on the layout of the street, and the standards for approval for the zoning map amendment had been met. Staff recommended a positive recommendation.

Staff and commissioners held a discussion on how the two lots could be consolidated administratively but some commissioners pointed out the benefits of simultaneously approving both the consolidation and the rezoning so as not to create any future hardships on the owner.

Petitioner, Elizabeth Beckmann, 3612 Douglas, Downers Grove, reviewed the three step process she was given: rezone, consolidate, and then develop/improve the property. She was seeking rezoning of the property with the intention to consolidate and then develop. She understood that she could be diminishing the value of 3604 if it she did not consolidate it. Ms. Beckmann confirmed she did understand that.

Chairman Rickard opened up the meeting to public comment.

Mr. Richard Moran, 500 36th Street, Downers Grove, resides across the street from the property and supported the applicant.

No further comments were received from Ms. Beckmann.

Hearing no further public comment, public comment was closed.

Ms. Leitschuh explained what could happen to the lot should the parcel not be rezoned at this time. Again, more discussion followed. Mr. Thoman raised concern about setting a precedent creating non-conformities, citing 5100 Forest as an example and the same request for Main and Maple (garbage pick-up). While he wanted to see the owner benefit from her property, Mr. Thoman did not want the village to do something with unintended consequences. Ms. Leitschuh explained the additional expenses the applicant would incur should she have to return. She also explained the cost savings to the applicant by having the applicant go through the rezoning now and then administratively going through the lot consolidation later.

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The chairman did not see any negatives to the approval of the application and the applicant appeared to understand the process.

Ms. Beckmann returned and believed Mr. Thoman needed to have an internal discussion about precedent-setting with the commissioners. She understood the negatives. She did not intend to subdivide the property. The property was purchased to add value to her existing property with the R-1 restriction.

Chairman Rickard proceeded to walk through each of the approval criteria for the zoning map amendment and agreed the criteria was met.

WITH RESPECT TO FILE 16-PLC-0047, MR. MAUER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL PER STAFF'S RECOMMENDATION IN ITS REPORT.

SECONDED BY MS. HOGSTROM. ROLL CALL:

**AYE: MR MAURER, MS. HOGSTROM, MR. BOYLE, MS. GASSEN, MR. THOMAN,
CHAIRPERSON RICKARD**

NAY: NONE

MOTION PASSED. VOTE: 6-0

FILE 16-PLC-0049: A petition seeking approval of a Final Plat of Subdivision with 1 Exception. The property is currently zoned R-3, Residential Detached House 3. The property is located on the west side of Venard Road, approximately 165 feet north of Parrish Court, commonly known as 3830 Venard Road, Downers Grove, IL (PIN 06-31-407-016). Vinko Topic, Owner.

Planner Scott Williams reviewed the petition on the overhead. He reported that the surrounding properties and the large subject property were all zoned R-3. However, when the subject property was platted, the northern property line angles inwards reducing the lot width which was why there was an exception before the commission. The petitioner was seeking a subdivision of the lot. Dimensions and bulk requirements of the two separate lots were explained by Mr. Williams in greater detail. The lot would not be 75' wide as measured at the street setback line, but meets all other requirements and is eligible to seek an exception. The conceptual engineering was also presented.

The proposal was reviewed in accordance with the goals of the village's comprehensive plan and under the standards for approval. Staff recommended approval subject to the conditions in its staff report.

In response to drainage questions, Mr. Williams pointed out that the property was not previously developed under the current stormwater ordinance. Additional easements will be put on the proposed properties per the subdivision ordinance. Ms. Leitschuh added that whenever land is subdivided, there is an increase in properties' impervious surface, and an applicant must show how

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it will be treated, stored, and distributed. Planner Leitschuh stated it was a standard requirement for going through the new single family permitting process.

Petitioner, Mr. Philip Wolf with Wolf Pack Development, 2510 Maple Ave., Downers Grove, explained that the drainage on the property flowed to the back corner of the site. He said the builder had recommended that he review the stormwater management devices required for new buildings with 2500 sq. feet of impervious surface, which was an infiltration base and a rain garden.

He referenced the plans for the two lots for the commissioners.

No questions from the commissioners followed. The chairman invited the public to speak.

Mr. Sean Black, 1420 Parish Court, inquired if the footprint of the buildings would change. He pointed out that two neighbors west from the property had water issues over the years and they had flooded basements.

Ms. Karen Martin, 1411 Wood, was fine with splitting the lots but said she does receive a lot of water and wanted to know how it would be addressed in the future.

Mr. Wolf proceeded to respond to the above questions by explaining future water run-off directions from the two sites, water storage, the accuracy of the footprints on the plans, and the location of the proposed rain garden.

Mr. Vince Topic, 436 Bunning Drive, Downers Grove, a local builder, explained his plans for the two homes which included being constructed one at a time.

Hearing no additional comments, the chairman closed the public hearing.

Per a question, Mr. Williams explained the approximately \$24,000 listed in staff's recommendation was the appropriate donations to the school district and park district based on the new home.

Commissioners discussed the narrow lots being created by the subdivision and the fact the commission usually stayed with the 75 foot widths but that council also approved the 73-foot widths for three lots recently. The chairman pointed out; however, that the difference with this proposal was the side property lines were not parallel but they had the required width when measured from the street. Additional confirmation followed by Mr. Williams that a prior request earlier in the year did have certain conditions placed on it when village council approved it after the commission had denied the request.

Responding to Ms. Gassen's question as to what the hardship was for this property, Mr. Williams believed it was how the parcel was platted. At its narrowest point it was approximately 54 feet. Ms. Leitschuh also explained there were two ways to evaluate hardships: one as a hardship and one as a practical difficulty. She believed this request had practical difficulty in meeting the reasonable use of the property because of its dimensional difficulty.

Mr. Maurer raised the fact that neighbor comments included that an unattractive house currently sat on the property and a newer home could replace it; however, it would still remain on a very large lot and not in keeping with the neighborhood. Whereas, he believed the proposal was acceptable, more

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fitting with the area, and most people would not notice if the setback was off one foot. From his own experience in development, he agreed the village would require the applicant to meet the stormwater requirements and take proper control measures to address the neighbors' concerns.

Chairman Rickard concurred and believed even with the subdivision, the lots were still somewhat larger but still made it more consistent with the neighborhood. Mr. Thoman reported there was already a precedent set for odd-shaped lots in the neighborhood. Mr. Boyle pointed out that the neighbors to the west of the lot had an RCP running between their lots and he hoped the builder would address any water issues before that point of collection.

Commissioners appeared to be fine with the five standards being met and staff's recommendation for approval with its four conditions.

WITH RESPECT TO FILE 16-PLC-0048, MR. MAUER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO STAFF'S FOUR (4) CONDITIONS IN ITS STAFF REPORT.

SECONDED BY MS. HOGSTROM. ROLL CALL:

AYE: MR. MAURER, MS. HOGSTROM, MR. BOYLE, MS. GASSEN, MR. THOMAN, CHAIRPERSON RICKARD.

NAY: NONE

MOTION PASSED. VOTE: 6-0

FILE 16-PLC-0051: A petition seeking approval of a Special Use to permit a Drive-through Banking Facility. The property is currently zoned B-3, General Services and Highway Business. The property is located on north side of Ogden Avenue at the intersection of Seeley Avenue and Ogden Avenue, commonly known as 1512 Ogden Avenue, Downers Grove, IL (PINs 09-06-401-007, -008). Brian N. Reno, Stantec Architecture, Petitioner; 1512 Partners, an Illinois General Partnership, Owner.

Mr. Scott Williams reviewed the above petition, summarizing the request was for a special use to permit a drive-through for a banking facility in a newly constructed building. The existing building will be razed. A plat of survey was referenced and details about the proposal followed. Bulk requirements and setbacks for the drive-through were reviewed in detail demonstrating compliance with the zoning ordinance. Ingress and egress locations to the site were pointed out as well as vehicle stacking, pedestrian movement, and parking. Landscaping and lighting photometrics for the site were also reviewed.

Mr. Williams addressed how the proposal met the village's Comprehensive Plan and recommended approval with the conditions in staff's report.

Questions followed as to why IDOT had to review the proposal which staff responded it was for utility work and to verify maintaining existing curb cuts.

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Petitioner, Mr. Brian Reno with Stantec Architecture, 135 S. LaSalle St., Chicago, stated he did have preliminary approval from IDOT regarding the curb-cuts providing one way access to and from the site.

Chairman Rickard invited the public to speak. None followed. Mr. Reno asked for consideration. Public comment was closed.

It was noted by the chairman that the approval criteria was met and staff was seeking approval with the six conditions listed in its report.

WITH RESPECT TO FILE 16-PLC-0051, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO STAFF'S SIX (6) CONDITION LISTED IN ITS REPOT.

SECONDED BY MS. GASSEN. ROLL CALL:

AYE: MR. THOMAN, MS. GASSEN, MR. BOYLE, MS. HOGSTROM, MR. MAURER, CHAIRPERSON RICKARD

NAY: NONE

MOTION PASSED. VOTE:

Ms. Leitschuh stated she expects to have a meeting the first week of December and on December 19th. She also announced that sometime in the new year additional training for new commissioners will take place.

THE MEETING WAS ADJOURNED AT 9:27 P.M. ON MOTION BY MS. GASSEN, SECONDED BY MR. THOMAN. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF

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