

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

Thursday, June 1, 2017

**I. CALL TO ORDER**

Chairman Strelau called the June 1, 2017 Liquor Commission meeting to order at 6:30 p.m.

**II. ROLL CALL**

**PRESENT:** Mr. Clary, Ms. Pietrucha, Ms. King, Chairman Strelau

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

**STAFF:** Liaison to the Liquor Commission Carol Kuchynka, Assistant Village Attorney Dawn Didier, Village Attorney Enza Petrarca

**OTHERS:** Daniel Hanlon, Esq., Linda Hardy, Mike Rogan, Court Reporter

**III. APPROVAL OF MINUTES**

Chairman Strelau asked for approval of the minutes for the May 4, 2017 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the May 4, 2017 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. DISCIPLINARY HEARING FOR ALLEGED VIOLATIONS**

Chairman Strelau made the following statements:

"Section 3-40 of the Downers Grove Municipal Code provides that the Local Liquor Commissioner may revoke or suspend any license issued if the Commissioner determines that the licensee has violated any of the provisions of this chapter or any State law pertaining to the sale of alcohol. Both under the Section cited above, and under Chapter 235, Section 5/7-5, Illinois Compiled Statutes, the Local Liquor Commissioner is required to hold a public hearing after notice to the licensee, in which the licensee is afforded an opportunity to appear and defend. Pursuant to Section 3-5 of the Downers Grove Municipal Code, this hearing is being conducted by the Local Liquor Commission at the request of the Local Liquor Commissioner."

"The Commissioner has the power to temporarily suspend a license without a hearing if there is reason to believe that continued operation of the licensed business would immediately threaten the welfare of this community. Such was not done in these cases. The licensee may be represented by counsel, although he need not be for the purposes of this hearing."

Chairman Strelau asked if there was a signed stipulation in these cases. Ms. Didier replied there was a stipulation in the Thai First case and stated that there was not a stipulation in the Karma Club case.

Ms. Didier requested that the order of the agenda be amended so that Karma Club's attorney could request a continuance for their case. Chairman Strelau agreed.

**Karma Club - 1211 Butterfield Road**

Ms. Strelau stated that the first order of business is a disciplinary hearing for Downers Grove Entertainment, LLC d/b/a Karma Club located at 1211A Butterfield Road, Downers Grove. She stated that the licensee has been charged with multiple violations of the Downers Grove Liquor Control Ordinance.

Chairman Strelau asked that any individual(s) in the audience who will represent the licensee to please step forward and be seated. She asked that they state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Daniel Hanlon, Esq., with the law firm of Marquardt & Belmonte, P.C., was seated. He introduced himself as the attorney representing Karma Club.

Attorney Hanlon requested a continuance.

**CHAIRMAN STRELAU MOVED TO CONTINUE THE DISCIPLINARY HEARING TO A FUTURE DATE MUTUALLY AGREED UPON BY COUNSEL. MS. KING SECONDED.**

The Commission, Attorney Hanlon and staff discussed holding the continuance hearing on Wednesday, June 21<sup>st</sup> at 6:30 p.m. in the Council Chambers. Ms. Kuchynka stated that she would confirm the meeting date with all parties.

**VOTE:**

**Aye:** Ms. King, Mr. Clary, Ms. Pietrucha, Chairman Strelau

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 4:0:0**

Motion carried.

Chairman Strelau stated that the next item on the agenda was to conduct a disciplinary hearing for Thai First. She made the following statements:

"In view of the stipulation for the Thai First case, the order of the hearing will be substantially as follows:"

- A. Prosecution will read the signed stipulation into the record with the opportunity for the licensee to register its concurrence or non concurrence for the record.
- B. Prosecution may present any additional evidence in this case with the right of the licensee to cross-examine.

- C. Licensee may present any defense or mitigating evidence with right of prosecution to cross-examine.
- D. Summary of case by prosecution and defense."

"The prosecution should establish that timely notice of this hearing has been provided to the licensee."

"Witnesses shall be sworn."

"Strict rules of evidence will need not be adhered to although the Commission expects to exercise control over the hearing to ensure that irrelevant or repetitive testimony does not unduly prolong the hearing."

"A court reporter is present and will take the proceedings verbatim. Staff is also present for the purpose of summarizing the proceedings."

"The Commission will submit the findings and recommendations to the Local Liquor Commissioner regarding the existence and nature of any violation."

"Upon receipt of the recommendation of the Commission, the Commissioner will render a decision and the licensee will be notified in writing."

### **Thai First - 2249 Maple Avenue**

Chairman Strelau stated that Wanartit, Inc. d/b/a Thai First located at 2249 Maple Avenue has been charged with a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance.

Chairman Strelau asked that any individual(s) representing the licensee 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. Linda Hardy and Mr. Mike Rogan were sworn in by the court reporter. Ms. Hardy was introduced as the owner and liquor manager for Thai First. Mr. Rogan introduced himself as the business advisor for Thai First.

Chairman Strelau asked the prosecuting attorney to present her case.

Ms. Didier stated that the parties to this hearing before the Liquor Commission of the Village of Downers Grove by and through their attorneys, if any, hereby stipulate as follows:

1. Wanartit, Inc. d/b/a Thai First, 2249 Maple Avenue, Downers Grove, Illinois, is the holder of a Class R-2 Liquor License #LQ-000207, issued by the Village of Downers Grove. That said Licensee has held a liquor license for this location from the Village of Downers Grove since December 7, 2016.
2. Notice of this hearing was served upon the Licensee by certified mail to its registered agent and by personal delivery to the manager of the licensed premises.
3. At approximately 5:58 p.m. on Tuesday, April 11, 2017, Downers Grove Police Officer Buzucky and Downers Grove Police Officer Lyerly observed I.C., a special agent of the Downers Grove Police Department under the age of twenty-one (21), whose date of birth is March 15, 2000 (making her 17 years old), enter Thai First located at 2249 Maple Avenue, Downers Grove.

4. The special agent was seated at a table in the restaurant and a young server asked her for her order.
5. The special agent ordered a bottle of Chang beer while Officers BuzECKy and Lyerly observed her.
6. That the young server approached Laddawan Hardy (owner/liquor manager), whose date of birth is August 5, 1958.
7. That Laddawan Hardy retrieved a bottle of Chang beer, removed the cap and gave it and a glass to another female subject who was later identified as Ms. Hardy's relative who was visiting the county for a short period of time.
8. That Ms. Hardy's relative took the bottle of beer and glass and returned to the table.
9. That Ms. Hardy's relative placed the bottle of Chang beer and glass in front of the special agent.
10. That at no time was the special agent asked for identification.
11. Officers BuzECKy and Lyerly, who witnessed the events in the foregoing paragraphs, identified themselves and advised that the delivery of an alcoholic beverage had been made to a minor.
12. That Laddawan Hardy, in lieu of her relative who was only visiting the country, was issued a Village ordinance administrative citation for her involvement in the delivery of alcohol to a minor in violation of Section 3-25(a) of the Downers Grove Municipal Code.
13. The Officers advised that notice of further action would be forthcoming from the Downers Grove Liquor Commission.

Ms. Didier asked that the signed stipulation be entered into the record as Village's Exhibit #1. Chairman Strelau accepted the signed stipulation as Village Exhibit #1.

Chairman Strelau asked the licensee to present its case.

Mr. Rogan read a statement prepared by Ms. Hardy for the record.

Mr. Rogan stated that Ms. Hardy is distraught and disappointed about the violation. He stated that she is aware of local and state regulations concerning the sale of liquor. He stated that she pays close attention to the activities in the restaurant and is conscientious of liquor laws.

Mr. Rogan stated that Ms. Hardy acknowledges and accepts full responsibility for the violation. He stated that on the evening of April 11<sup>th</sup> an underage employee and Ms. Hardy's sister were working at the restaurant. He stated that Ms. Hardy's sister was from Thailand and in order to spend more time with her sister, offered to help at the restaurant. Mr. Rogan stated that both employees were aware of the regulations to check the identification of patrons if beer or wine is requested. He stated that Ms. Hardy typically serves the beer or wine. He stated that the underage server informed Ms. Hardy's sister of the request and Ms. Hardy's sister assumed that the underage server checked the identification. He stated that Ms. Hardy assumed that one of the servers checked the agent's identification, however, there was a breakdown in communication as the identification was not asked for.

Mr. Rogan advised that Thai First passed a control buy at the location in April of 2016 and passed the most recent control buy follow up compliance test on April 26, 2017.

Mr. Rogan stated that the manual has been amended so that only certified servers can deliver beer or wine and that the identification of customers that appear under the age of 40 shall be checked. He stated that employees have been given the new policy.

Mr. Rogan stated that Ms. Hardy is proud of her restaurant and the quality of their food. He stated that Ms. Hardy is committed to taking action that would prevent any future violation.

Mr. Rogan asked that they prefer a suspension in lieu of fines for the violation.

Ms. Kuchynka asked if they would like the revised manual with employee acknowledgments entered into the record as the licensee's exhibits.

Mr. Rogan asked that the documents be entered into the record as Licensee's Exhibit #1. Chairman Strelau accepted the documents as Licensee Exhibit #1.

Chairman Strelau requested comments from the Commission.

Ms. King asked how many employees are certified. Mr. Rogan replied two, Ms. Hardy and her son Chuck Hardy.

Mr. Rogan was unaware if Ms. Hardy's sister had a valid certification. Ms. Kuchynka noted that all servers of liquor must have certification and is considered an aggravating circumstance if they do not.

Ms. King asked how old the underage server was. Ms. Hardy replied 17. Ms. Hardy stated that evening was the first time her sister met Eva, the underage server and did not know that she was under 21 and could not deliver beer or wine. Ms. Hardy stated that her sister thought Eva checked the identification.

Ms. King asked Ms. Hardy how long she has owned the restaurant. Ms. Hardy replied two years.

Ms. King asked Ms. Hardy if she is BASSET certified. Ms. Hardy replied yes.

Ms. King asked if there are only two people at the restaurant that can server beer and wine. Ms. Hardy replied yes. She noted that she does not serve a lot, only about 2% of her sales are beer and wine.

Ms. King stated she was concerned that her sister was able to hand off alcohol without the proper training.

Ms. King asked if they were busy at the time and what she was doing at the time of the transaction. Ms. Hardy said she saw it but thought that her sister had asked for identification.

Ms. King asked Ms. Hardy if the restaurant was busy. Ms. Hardy replied no.

Mr. Clary stated that there was one controlled buy. Ms. Kuchynka clarified that one test was passed when she held 50% ownership in the restaurant. She noted the past history can be taken into consideration. She stated that the second test was failed but noted that the control buy re-test was passed on April 26<sup>th</sup>.

Mr. Clary asked if it were a violation for an underage staff member to ask for identification. Ms. Kuchynka noted that identification was not asked for in this instance. She stated that it would be a violation if they did ask for identification as the Code requires someone over 21 to verify a patron's age.

Mr. Clary stated that there was a disconnect in that Ms. Hardy opened the liquor and gave it to the sister, who was not an employee, to deliver it. He stated that was a big mistake. He stated they stated that there was not a lot of liquor sales and the violation seemed irresponsible. Mr. Clary stated he was very concerned.

Ms. Pietrucha asked Ms. Hardy if she had other locations. Ms. Hardy replied no.

Ms. Pietrucha asked Ms. Hardy what her liquor handling experience was prior to holding this liquor license. Ms. Hardy replied none.

Ms. Pietrucha stated that Ms. Hardy passed a test shortly after the violation and asked what was done differently since the violation. Ms. Hardy replied that she personally checked identification. Mr. Rogan stated that Ms. Hardy has taken full responsibility for checking them.

Ms. Pietrucha stated that she also had concerns about the way things transpired on April 11<sup>th</sup>. She stated that it was irresponsible in passing off liquor serving to someone who was not trained.

Ms. Pietrucha stated that although liquor sales are a small percentage of the business, they must adhere to local and state laws.

Chairman Strelau asked for clarification on the aggravating circumstances in this case. Ms. Kuchynka replied that the owner was involved in the transaction and that the server who delivered the beer did not have a valid certification.

Chairman Strelau asked if there should be three as the underage server took the order. Mr. Rogan clarified that the underage server only relayed the drink order to Ms. Hardy's sister and did not ask for identification.

Chairman Strelau stated that servers have to be 21 to take an order or have to have someone come to the table and verify the identification. Mr. Rogan stated that this was the first night that the two worked together and they were not properly trained together.

Chairman Strelau stated that it seemed to be that the order was taken by the underage server as Ms. Hardy's sister did not approach the table to request identification. She stated that Ms. Hardy saw the transaction. Ms. Hardy stated that she has worked with Eva in the past and has gone to tables for her to take the order.

Chairman Strelau asked if the 17 year old employee was properly trained to understand her job responsibilities. Ms. Hardy replied yes and stated that Eva was instructed to never touch alcohol.

Chairman Strelau asked Ms. Hardy if she was present in the restaurant. Mr. Rogan stated that she was in the area where phone orders are taken and near the kitchen. He stated there is a lot of activity there for her.

Chairman Strelau stated Ms. Hardy testified that the restaurant was not busy. Ms. Hardy replied it was a little busy. Ms. Hardy stated that she mistakenly believed her sister carded the agent. Ms. Hardy stated

that her sister has helped her before and cards everyone. She stated that she did not request identification that night as she thought Eva did.

Chairman Strelau asked Ms. Hardy if she understood that her employees need to be BASSET certified. Ms. Hardy replied yes.

Chairman Strelau stated her sister is not an employee and asked if she did or did not have a BASSET certification. Ms. Hardy replied no.

Chairman Strelau stated that it is difficult to believe that they follow their policies and a manual is only as good as it is being followed. She stated that having a liquor license is a privilege and added that the Commission has never heard a violation similar to this.

Chairman Strelau stated that the violation makes no sense and noted that the lack of attention to the situation seems to be a nuisance.

Chairman Strelau asked Mr. Rogan if he was Ms. Hardy's lawyer. Mr. Rogan replied no that he was her business advisor. He stated that he helped her with the application and with the manual.

Chairman Strelau asked Mr. Rogan if he experienced a situation like this. Ms. Rogan replied yes, a complete breakdown in communication.

Mr. Rogan stated that although the restaurant was not busy, they can get 20-30 carry out orders a night. Chairman Strelau asked whose responsibility it is to monitor. Mr. Rogan replied that Ms. Hardy accepts full responsibility. He stated that he has been in the restaurant to dine and can testify to the fact that they regularly card patrons.

Mr. Rogan stated that Ms. Hardy takes full responsibility for not communicating to her sister that Eva was not allowed to request identification. He stated that they take the situation very seriously and are committed to not let this happen again.

Chairman Strelau stated that some licensees have managed to hold licenses without a violation and no break down in communication. She stated that training starts with Ms. Hardy.

Mr. Rogan stated that Ms. Hardy was extremely disappointed.

Mr. Clary stated that Ms. Hardy's sister has checked identification in the past and is not an employee certified to do that. He was concerned that Ms. Hardy stated that she always checked identification, yet had not been certified which is a violation.

Ms. King asked if the 17 year old can serve. Ms. Kuchynka stated that someone over 21 can do initial carding but someone at least 19 can take a subsequent order.

Chairman Strelau asked staff how many aggravating circumstances are in this case. Ms. Kuchynka replied that the underage server did not card, so that is not a violation. Chairman Strelau asked about taking an order but realized that they can take subsequent orders after someone over 21 did the carding. Staff agreed. Ms. Kuchynka noted neither requested the identification, thinking the other did. She stated that actual delivery was made and that the server delivering the beer was not certified.

Ms. Didier summarized by stating that Wanartit, Inc. d/b/a Thai First located at 2249 Maple Avenue, has stipulated to a violation of Section 3-25(a) of the Downers Grove Liquor Ordinance which prohibits the sale of alcohol to a minor. She recommended that the licensee be found guilty of a violation.

Chairman Strelau asked Mr. Rogan if he had any final comments for the record. Mr. Rogan replied no.

Chairman Strelau requested a motion as to whether the licensee be found guilty or not guilty of a violation of Section 3-25(a) of the Downers Grove Municipal Code.

**MR. CLARY MOVED TO FIND WANARTIT, INC. D/B/A THAI FIRST LOCATED AT 2249 MAPLE AVENUE GUILTY OF VIOLATING SECTION 3-25(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MS. KING SECONDED.**

**VOTE:**

<b>Aye:</b>	Mr. Clary, Ms. King, Ms. Pietrucha, Chairman Strelau
<b>Nay:</b>	None
<b>Abstain:</b>	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 referred to the May month end report.

Ms. Kuchynka stated the Mayor's intent to issue a beer and wine license to Board & Brush which was issued on May 11th.

Ms. Kuchynka advised that Ultra Foods closed and an order of forfeiture formally closed out the license.

Ms. Kuchynka advised that renewals were being processed.

**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 would confirm the June 21<sup>st</sup> disciplinary hearing continuance for Karma.

Ms. Kuchynka did not believe there would be a July meeting.

**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 June 1, 2017 meeting. The meeting was adjourned by acclimation at 7:15 p.m.

## APPROVED MINUTES

**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING**

**MINUTES FOR JUNE 26, 2017**

Chairman Rickard called the June 26, 2017 meeting of the Plan Commission to order at 7:02 p.m. and led in reciting the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Rickard, Mr. Boyle, Ms. Gassen, Ms. Hogstrum, Mr. Kulovany, Mr. Maurer, Mr. Quirk, Ms. Rollins

**ABSENT:** Ms. Johnson, Ex. Officio members Davenport, Livorsi & Menninga

**STAFF:** Director of Community Development Stan Popovich  
Village Sr. Planner Rebecca Leitschuh

**VISITORS:** Jim Wilkinson, 1125 Black Oak, Downers Grove  
Scott Richards, 1130 Warren, Downers Grove

Chairman Rickard reviewed the procedures to be followed for the meeting, explaining that the Plan Commission is a recommending body. He noted that the Village of Downers Grove is the Petitioner for the public hearing on the Agenda. This Public Hearing will span a total of three meetings, and at the end of the third meeting the Plan Commission will make its recommendation to the Village Council. He asked anyone who intended to speak during the Public Hearing to rise and be sworn in.

**PUBLIC HEARING**

**FILE 16-PLC-0019: The purpose of this request is to consider updates to the downtown development regulations. Village of Downers Grove, Petitioner.**

Community Development Director Stan Popovich presented the framework for the downtown development regulations, noting that the Village previously approved the Comprehensive Plan over a series of many meetings. The Comprehensive Plan Committee (hereinafter "CPC") developed the regulatory framework in the beginning of 2017, and the Plan Commission is charged with reviewing, commenting on and making a recommendation to the Village Council on the regulatory framework as part of its review over the next three months. For those meetings, the Plan Commission will meet for a second session each month so as not to delay any other petitions brought before the Commission. Director Popovich reviewed the background on updating the Comprehensive Plan ("the Plan") and developing regulatory framework.

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## APPROVED MINUTES

Mr. Popovich explained the differences between the Plan, downtown regulatory framework, and the development of downtown regulations. The Plan is a long-range document, which is visionary. It is not legally binding, and in this particular case focuses on the downtown area including the physical, economic, social and environmental aspects of the downtown. Development regulations regulate day-to-day activities. Development ordinances are used on a daily basis to implement the visionary Comprehensive Plan. Once the Village Council approves the regulatory framework, which acts as a bridge between the regulations and Comprehensive Plan, Staff will draft regulations with the Village Attorney and present them to the Plan Commission for review and the Council for final consideration and approval.

The Village Council adopted the Plan on June 13, 2017 and it is the official policy of the Village with no proposed revisions. Mr. Popovich reviewed the membership of the CPC representing various boards and commissions of the Village. The Plan Commission will review the CPC's regulatory framework, and provide comments and recommendations to the Village Council. Finally the Village Council will review the CPC's regulatory framework, review the Plan Commission's comments and recommendations regarding the regulatory framework, and approve the regulatory framework, or direct either the Plan Commission or the CPC to make revisions to the framework.

Director Popovich reviewed the downtown Key Focus area, and key concepts related to that area. He reviewed materials included in the Plan Commission members' packets including the key concepts for the downtown focus areas, the downtown catalyst sites, and downtown functional subareas as to boundaries, etc.

Mr. Popovich referred to the downtown Core Area with an existing maximum height of 70 feet, and a proposed height of 40 feet or three stories. That would allow for a fifteen foot first floor and twelve feet for the other two stories. He said that the minimum height requirement was 32 feet and is proposed to be changed to 24 feet or two stories.

The existing Build-to zone is 0'-10' to the lot line with a proposed 5' setback area. There is no change to parking, and the minimum lot area per dwelling unit also has no change recommended.

Mr. Boyle asked how this works with zoning. Mr. Popovich replied that if approved, it would be a regulation. If a proposal for 41 feet in height were submitted, the petitioner would have to get a variance or change the plan. He said that the framework is first review to see if this is the way the Village would like to proceed.

Chairman Rickard noted this would affect what property owners in this area can do, and limits them to half of what they would be able to build. He asked whether they were notified by public notice or general notice about these proposed changes. He was surprised that some of those property owners were not present at the meeting. Mr. Popovich said this is published as framework, as it is not law at this point. It will be published to property owners later as a specific notification.

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Ms. Rollins asked whether there has been any feedback from business owners, and Mr. Popovich said they had feedback from owners at Forest and Warren.

In response to Mr. Quirk, Mr. Popovich said that the 800 square feet would allow 54 units per acre. If the Plan Commission sees this as an opportunity to provide for more density, then they should include that in their recommendation. With an 8,000 square foot lot, a developer could put in ten units. Mr. Quirk asked whether there is an opportunity to increase that size. Mr. Popovich said he would welcome that discussion if that were the direction the Plan Commission would want to pursue.

Mr. Popovich moved the discussion on to the Downtown Edge 1, which is the area immediately around the Core area, and would have a more urban setting around the downtown. The transition to the neighborhood areas and the Edge should be open green space and contain more open spaces. He referred to the area having a height of 70 feet with a proposal to increase it to 72 feet, or six stories in height. This would be a 12' floor. The minimum height is 32 feet with 24' proposed. He explained that there is no setback for existing properties at this time, with a proposed setback of 5' or 10% of the lot width. Properties on Main Street or immediately adjacent to the Core have no setback. The rear yard setback exists at 0' and is proposed to be 10' with additional setbacks for lots abutting a residential zoning district. He said that the Build-to-zone has no change, and no change in the parking. The Floor Area Ratio also shows no change. He noted that the minimum lot area per dwelling unit exists at 800 square feet with a proposed 3,000 square feet. Downtown Edge 1 also has a Build-to-zone of 10% at the front lot line for a 590' side lot.

Mr. Quirk asked about density again, and verified that it would be reduced. Mr. Popovich said that was correct. They are moving out from the Core providing a little more space. He thinks 800 is a good number. In further response to Mr. Quirk, Mr. Popovich said there is a comprehensive list of everything downtown that is multi-family and staff can provide that list to him. The Marquis on Maple has 54 units at 800 square feet with no request for increased density.

Ms. Gassen commented that the downtown Core isn't about density anymore. They are not encouraging more residential units in that area. Mr. Popovich replied that the Core discourages residential use on the first floor, and is limited in height. It can be residential on the above floors. Ms. Gassen said it would make sense to restrict the type of building in the Core.

Mr. Kulovany said he thought the essence was to let the downtown be more quaint and smaller with the largest density at Edge 1, and a reduction of the density as they got closer to residential neighborhoods. Mr. Popovich replied that was correct.

Chairman Rickard commented that he thought the minimum lot area for Downtown Edge 1 was something closer to 2,000 square feet while leaving the transition area alone. He doesn't know if that's the right number. It seems restrictive. The heightened area is where they're looking for the bulk of the density to go. Mr. Popovich said if you

## APPROVED MINUTES

want to go to the amount of units based on the size of the lots, not a lot of the properties are as big as the Marquis site.

Mr. Kulovany asked whether they would consider the Marquis and Main and Maple higher density. He said it might be interesting to see what these developers have done in other communities.

Mr. Popovich then moved to the description for Downtown Edge 2, noting that the maximum height is 60-70 feet, with a proposed height of 60' or 5 stories. The minimum height for that area is 32 feet with no change proposed, since it is close to the transition area. The side yard existing setback varies from 0'-5' with 5'-10% of the lot width proposed. The rear yard setback is 0'-20' with 10' proposed. There is no change in parking, the FAR, or the minimum lot area per dwelling unit. There is also no build-to-zone in this area.

Regarding Downtown Transition, Mr. Popovich said that the existing maximum height is 35'-70', and is a mixture of multi-family, single-family residential, etc. The proposed height is for 36' or three stories. He showed the area map, saying the existing minimum height is 32', and there is no proposal to change the minimum height. The street yard setback proposed is to change to 10' from 0'-20'. The side yard is 5' with 5'/10% of the lot width proposed. There is no change in parking or the Floor Area Ratio.

Mr. Kulovany asked whether this is part of the Comprehensive Plan now. Mr. Popovich replied that it is the current map as it now stands. Mr. Kulovany then commented about bed and breakfasts and inns that would not compete with the downtown restaurants. He suggested adding those into the area. Mr. Popovich said the Commission could make that recommendation.

Regarding the Downtown Transition District, Mr. Popovich explained that the existing maximum height is 35'-70', with a proposed height of 36' or three stories. He showed the area map saying the minimum existing height is 32 feet. The proposed street yard setback is 10' from the existing 0'-20'. The side yard setback varies from 0'-5' with a proposal for a side yard of 5'/10% of the lot width. The rear yard setback proposal is for 10' from the 0'-20' existing. As for Core uses in the downtown, the ground floor would be an active space consisting of retail, entertainment, food service, while upper floors could be used as multi-family residential or office space. No residential uses would be permitted on the ground floor.

Downtown Edge 1 uses are commercial, retail, office, entertainment, service, restaurant and residential.

Downtown Edge 2 also includes commercial, retail, office use with residential single-family and multi-family permitted, as well as home occupations, institutional use, civic use, bed and breakfasts. He noted that staff would have to review the definitions of lodging, inn, hotel, etc., and how they could be worked into this area. Mr. Kulovany said that they would not be looking for something like a Hampton Inn to move into that area, which Mr. Popovich agreed was not the intention.

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Ms. Hogstrom noted that in the downtown transition, art galleries and studios are not permitted and she asked why they were excluded. Mr. Popovich replied that they were going to consider more residential uses there. If the Plan Commission feels it is not an intensive use, it could be put back in. Ms. Hogstrom said that she thought some group-type uses are perfect for a downtown transition.

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Chairman Rickard asked about design issues, verifying that they will discuss that at the July 24<sup>th</sup> meeting.

Ms. Hogstrom asked if All Creatures Great and Small and Yoga have been advised about their potential site as a parking deck. Mr. Popovich said that is only a concept at this point and is merely an idea of looking at a parking deck north of the downtown. He said that similarly there are ideas about other areas in the Village that need attention such as 75<sup>th</sup> and Lemont, 63<sup>rd</sup> and Belmont, etc., but no decision has been made for those areas at this time.

Chairman Rickard then called for anyone in the audience who wished to ask a question or make a comment.

1. Scott Richards of Oak Tree Towers at 1130 Warren Avenue asked whether they are locked into six stories as maximum in the Village. He said he hoped they were. Mr. Popovich replied that the downtown business district has a 70' height limit with a 60' height limit in the transition area. Mr. Richards said he has lived in the Village about fifteen years now and he's worried about what he is seeing as far as the well-being of the town. He thinks they are hell bent on choking it. He keeps hearing "increased density, increased density". He asked when they'll get to the point where enough is enough. His biggest concern is traffic and very seldom does he hear the Board discussing traffic. He thinks they are at a point where it will be detrimental to the whole town's well being. It's hard to find parking downtown right now, with so many trains going through every day and shutting the downtown down every year for festivals. This is the only town he knows of that actually does that. He doesn't want to see losing the character of Downers Grove, the town itself. He thinks the Village is going in the wrong direction. He referred to the "monstrosity" going up at Main and Maple that looks more like a hospital than high end housing, and said that he understands people are trying to get out of their contracts for that building because of the other building going up immediately adjacent to it. He doesn't understand why no one seems to worry about any of this. He is dismayed at what he sees being discussed, and would like to see more concern about traffic. People will just stop going into the downtown area because of the traffic.

2. Jim Wilkinson, 1125 Black Oak and a member of Transportation and Parking Commission, said there is a traffic study being proposed for downtown. They just completed the fifth study for the unincorporated area on the west side. There is no timeline right now but one study is proposed. He noted that the 2-hour parking signs do

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not agree with the Ordinance and that has to be addressed. In addition new equipment will be installed downtown to monitor the traffic flow in the area. Regarding the parking garage, the Commission struggled with that issue as well so as not to restrict the height in the area so that a parking garage could be built. He said the dilemma is how to put in a parking structure in an established area. They also have touched on surface lots. He asked that they consider where the parking garage could go, which obviously would be the north side of town. He said the parking garage would have to fit in with the imitations or descriptions they have such as in DE1 or DE2. As for drive-thrus, such as U.S. Bank, it really isn't a drive-thru but is more of a mini-parking lot and a cut-through for pedestrians. That has been grandfathered in at that location.

Someone on the Commission explained that if U.S. Bank was to close and another bank came in within a six-month period they could use the drive-thru. More than six-months out and the drive-thru would no longer be permitted without receiving approval.

Mr. Wilkinson said they have been talking about building upward. But he asked what about going down for parking in a basement level. Mr. Popovich said the building code restricts how deep you can go. It is not a zoning regulation. Some of the buildings under construction have below-grade parking.

Mr. Wilkinson also commented that at some point it would be good to have a grocery store downtown which would also require parking.

Mr. Wilkinson replied to a question that TAP often gets requests from residents regarding changes in parking in neighborhoods, such as high school students parking in residential neighborhoods. He said with regard to multi-family housing if there is only 1.4 parking spaces per unit, but two drivers/cars in the unit, that will affect street parking. The construction at Main and Maple has resulted in the loss of parking spaces on Main Street to accommodate some of the workers who are involved in the construction on Maple. He also referred to the 2-hour parking in the downtown with employees parking on the street all day on a Saturday. Mr. Popovich said one of the issues as well is enforcement of employees parking on the street.

Mr. Kulovany said that Yorktown shopping center is about 3-4 blocks long and people will park and walk in the mall. But they won't walk a block from the parking garage to the downtown stores. It is a behavior change. Mr. Kulovany asked whether TAP has looked at synchronized lights on Main Street. Mr. Wilkinson said that has not come before them for review. It might be part of Public Works, and they also would have to work it through with the railroad.

Mr. Kulovany then asked whether TAP is involved in Metra, and Mr. Wilkinson said they are not. He said that they were asked if they favored a pedestrian overpass at the railroad tracks.

Mr. Popovich said that from 1997 to present there were about 600 additional residential units added downtown, with 500 additional public parking spaces, and 400 private

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parking spaces. Other dynamics that could affect parking would be the change to driverless cars.

Chairman Rickard said he spends more time than he likes to admit in the parking deck. During normal business hours the deck is fairly well filled. There's a change after working hours and on the weekends. He thinks some of the issue with using the parking deck is laziness.

A commissioner asked about the 600 additional units, and asked how many are currently under construction. Mr. Popovich said that there are about 300 currently under construction. Mr. Maurer noted then that half of the residential units added over the last 20 years are under construction right now.

3. Mr. Richards who resides at Oak Tree Towers said that their residents have been allowed to use the AT&T south side parking. If something happens to that, there will be about 30 residents of Oak Tree without parking availability.

Mr. Popovich said Staff would obtain additional information about densities and uses in the downtown and allowable densities in other communities.

Mr. Kulovany asked what the reasoning is behind the Council wanting greater density downtown. Mr. Popovich said if there are more people downtown more businesses would remain open. They want to keep a quaint feel to the downtown, with density around the edge of residents who would frequent the downtown businesses.

Ms. Hogstrom said that they recently approved demolishing a building for St. Joseph's parish at Franklin and Main to allow for an additional surface parking area. There could be an opportunity for residents to use those parking areas during off hours.

Chairman Rickard called for a Motion to continue the meeting.

**Mr. Kulovany moved to continue the meeting for Case 16PLC-0019 to July 24, 2017, seconded by Ms. Gassen.  
All in favor. Motion carried.**

Chairman Rickard said he might not be present for that meeting.

**Mr. Quirk moved, seconded by Mr. Kulovany to adjourn the meeting.  
All in favor. The Motion carried.**

Chairman Rickard adjourned the meeting at 9:05 PM.

Respectfully submitted,

Tonie Harrington,  
Recording Secretary.

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Mr. Popovich explained the differences between the Plan, downtown regulatory framework, and the development of downtown regulations. The Plan is a long-range document, which is visionary. It is not legally binding, and in this particular case focuses on the downtown area including the physical, economic, social and environmental aspects of the downtown. Development regulations regulate day-to-day activities. Development ordinances are used on a daily basis to implement the visionary Comprehensive Plan. Once the Village Council approves the regulatory framework, which acts as a bridge between the regulations and Comprehensive Plan, Staff will draft regulations with the Village Attorney and present them to the Plan Commission for review and the Council for final consideration and approval.

The Village Council adopted the Plan on June 13, 2017 and it is the official policy of the Village with no proposed revisions. Mr. Popovich reviewed the membership of the CPC representing various boards and commissions of the Village. The Plan Commission will review the CPC's regulatory framework, and provide comments and recommendations to the Village Council. Finally the Village Council will review the CPC's regulatory framework, review the Plan Commission's comments and recommendations regarding the regulatory framework, and approve the regulatory framework, or direct either the Plan Commission or the CPC to make revisions to the framework.

Director Popovich reviewed the downtown Key Focus area, and key concepts related to that area. He reviewed materials included in the Plan Commission members' packets including the key concepts for the downtown focus areas, the downtown catalyst sites, and downtown functional subareas as to boundaries, etc.

Mr. Popovich referred to the downtown Core Area with an existing maximum height of 70 feet, and a proposed height of 40 feet or three stories. That would allow for a fifteen foot first floor and twelve feet for the other two stories. He said that the minimum height requirement was 32 feet and is proposed to be changed to 24 feet or two stories.

The existing Build-to zone is 0'-10' to the lot line with a proposed 5' setback area. There is no change to parking, and the minimum lot area per dwelling unit also has no change recommended.

Mr. Boyle asked how this works with zoning. Mr. Popovich replied that if approved, it would be a regulation. If a proposal for 41 feet in height were submitted, the petitioner would have to get a variance or change the plan. He said that the framework is first review to see if this is the way the Village would like to proceed.

Chairman Rickard noted this would affect what property owners in this area can do, and limits them to half of what they would be able to build. He asked whether they were notified by public notice or general notice about these proposed changes. He was surprised that some of those property owners were not present at the meeting. Mr. Popovich said this is published as framework, as it is not law at this point. It will be published to property owners later as a specific notification.

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Ms. Rollins asked whether there has been any feedback from business owners, and Mr. Popovich said they had feedback from owners at Forest and Warren.

In response to Mr. Quirk, Mr. Popovich said that the 800 square feet would allow 54 units per acre. If the Plan Commission sees this as an opportunity to provide for more density, then they should include that in their recommendation. With an 8,000 square foot lot, a developer could put in ten units. Mr. Quirk asked whether there is an opportunity to increase that size. Mr. Popovich said he would welcome that discussion if that were the direction the Plan Commission would want to pursue.

Mr. Popovich moved the discussion on to the Downtown Edge 1, which is the area immediately around the Core area, and would have a more urban setting around the downtown. The transition to the neighborhood areas and the Edge should be open green space and contain more open spaces. He referred to the area having a height of 70 feet with a proposal to increase it to 72 feet, or six stories in height. This would be a 12' floor. The minimum height is 32 feet with 24' proposed. He explained that there is no setback for existing properties at this time, with a proposed setback of 5' or 10% of the lot width. Properties on Main Street or immediately adjacent to the Core have no setback. The rear yard setback exists at 0' and is proposed to be 10' with additional setbacks for lots abutting a residential zoning district. He said that the Build-to-zone has no change, and no change in the parking. The Floor Area Ratio also shows no change. He noted that the minimum lot area per dwelling unit exists at 800 square feet with a proposed 3,000 square feet. Downtown Edge 1 also has a Build-to-zone of 10% at the front lot line for a 590' side lot.

Mr. Quirk asked about density again, and verified that it would be reduced. Mr. Popovich said that was correct. They are moving out from the Core providing a little more space. He thinks 800 is a good number. In further response to Mr. Quirk, Mr. Popovich said there is a comprehensive list of everything downtown that is multi-family and staff can provide that list to him. The Marquis on Maple has 54 units at 800 square feet with no request for increased density.

Ms. Gassen commented that the downtown Core isn't about density anymore. They are not encouraging more residential units in that area. Mr. Popovich replied that the Core discourages residential use on the first floor, and is limited in height. It can be residential on the above floors. Ms. Gassen said it would make sense to restrict the type of building in the Core.

Mr. Kulovany said he thought the essence was to let the downtown be more quaint and smaller with the largest density at Edge 1, and a reduction of the density as they got closer to residential neighborhoods. Mr. Popovich replied that was correct.

Chairman Rickard commented that he thought the minimum lot area for Downtown Edge 1 was something closer to 2,000 square feet while leaving the transition area alone. He doesn't know if that's the right number. It seems restrictive. The heightened area is where they're looking for the bulk of the density to go. Mr. Popovich said if you

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want to go to the amount of units based on the size of the lots, not a lot of the properties are as big as the Marquis site.

Mr. Kulovany asked whether they would consider the Marquis and Main and Maple higher density. He said it might be interesting to see what these developers have done in other communities.

Mr. Popovich then moved to the description for Downtown Edge 2, noting that the maximum height is 60-70 feet, with a proposed height of 60' or 5 stories. The minimum height for that area is 32 feet with no change proposed, since it is close to the transition area. The side yard existing setback varies from 0'-5' with 5'-10% of the lot width proposed. The rear yard setback is 0'-20' with 10' proposed. There is no change in parking, the FAR, or the minimum lot area per dwelling unit. There is also no build-to-zone in this area.

Regarding Downtown Transition, Mr. Popovich said that the existing maximum height is 35'-70', and is a mixture of multi-family, single-family residential, etc. The proposed height is for 36' or three stories. He showed the area map, saying the existing minimum height is 32', and there is no proposal to change the minimum height. The street yard setback proposed is to change to 10' from 0'-20'. The side yard is 5' with 5'/10% of the lot width proposed. There is no change in parking or the Floor Area Ratio.

Mr. Kulovany asked whether this is part of the Comprehensive Plan now. Mr. Popovich replied that it is the current map as it now stands. Mr. Kulovany then commented about bed and breakfasts and inns that would not compete with the downtown restaurants. He suggested adding those into the area. Mr. Popovich said the Commission could make that recommendation.

Regarding the Downtown Transition District, Mr. Popovich explained that the existing maximum height is 35'-70', with a proposed height of 36' or three stories. He showed the area map saying the minimum existing height is 32 feet. The proposed street yard setback is 10' from the existing 0'-20'. The side yard setback varies from 0'-5' with a proposal for a side yard of 5'/10% of the lot width. The rear yard setback proposal is for 10' from the 0'-20' existing. As for Core uses in the downtown, the ground floor would be an active space consisting of retail, entertainment, food service, while upper floors could be used as multi-family residential or office space. No residential uses would be permitted on the ground floor.

Downtown Edge 1 uses are commercial, retail, office, entertainment, service, restaurant and residential.

Downtown Edge 2 also includes commercial, retail, office use with residential single-family and multi-family permitted, as well as home occupations, institutional use, civic use, bed and breakfasts. He noted that staff would have to review the definitions of lodging, inn, hotel, etc., and how they could be worked into this area. Mr. Kulovany said that they would not be looking for something like a Hampton Inn to move into that area, which Mr. Popovich agreed was not the intention.

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Mr. Popovich addressed the subject of façade improvements for the downtown, which was a program in about 2007-2008. One of the high priority action items that the Council will review is the future of the downtown because the TIF is expiring and the special service area is expiring as well. The question arises as to what will happen downtown with items such as flowers and improvements.

Chairman Rickard asked about design issues, verifying that they will discuss that at the July 24<sup>th</sup> meeting.

Ms. Hogstrum asked if All Creatures Great and Small and Yoga have been advised about their potential site as a parking deck. Mr. Popovich said that is only a concept at this point and is merely an idea of looking at a parking deck north of the downtown. He said that similarly there are ideas about other areas in the Village that need attention such as 75<sup>th</sup> and Lemont, 63<sup>rd</sup> and Belmont, etc., but no decision has been made for those areas at this time.

Chairman Rickard then called for anyone in the audience who wished to ask a question or make a comment.

1. Scott Richards of Oak Tree Towers at 1130 Warren Avenue asked whether they are locked into six stories as maximum in the Village. He said he hoped they were. Mr. Popovich replied that the downtown business district has a 70' height limit with a 60' height limit in the transition area. Mr. Richards said he has lived in the Village about fifteen years now and he's worried about what he is seeing as far as the well-being of the town. He thinks they are hell bent on choking it. He keeps hearing "increased density, increased density". He asked when they'll get to the point where enough is enough. His biggest concern is traffic and very seldom does he hear the Board discussing traffic. He thinks they are at a point where it will be detrimental to the whole town's well being. It's hard to find parking downtown right now, with so many trains going through every day and shutting the downtown down every year for festivals. This is the only town he knows of that actually does that. He doesn't want to see losing the character of Downers Grove, the town itself. He thinks the Village is going in the wrong direction. He referred to the "monstrosity" going up at Main and Maple that looks more like a hospital than high end housing, and said that he understands people are trying to get out of their contracts for that building because of the other building going up immediately adjacent to it. He doesn't understand why no one seems to worry about any of this. He is dismayed at what he sees being discussed, and would like to see more concern about traffic. People will just stop going into the downtown area because of the traffic.

2. Jim Wilkinson, 1125 Black Oak and a member of Transportation and Parking Commission, said there is a traffic study being proposed for downtown. They just completed the fifth study for the unincorporated area on the west side. There is no timeline right now but one study is proposed. He noted that the 2-hour parking signs do

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not agree with the Ordinance and that has to be addressed. In addition new equipment will be installed downtown to monitor the traffic flow in the area. Regarding the parking garage, the Commission struggled with that issue as well so as not to restrict the height in the area so that a parking garage could be built. He said the dilemma is how to put in a parking structure in an established area. They also have touched on surface lots. He asked that they consider where the parking garage could go, which obviously would be the north side of town. He said the parking garage would have to fit in with the imitations or descriptions they have such as in DE1 or DE2. As for drive-thrus, such as U.S. Bank, it really isn't a drive-thru but is more of a mini-parking lot and a cut-through for pedestrians. That has been grandfathered in at that location.

Someone on the Commission explained that if U.S. Bank was to close and another bank came in within a six-month period they could use the drive-thru. More than six-months out and the drive-thru would no longer be permitted without receiving approval.

Mr. Wilkinson said they have been talking about building upward. But he asked what about going down for parking in a basement level. Mr. Popovich said the building code restricts how deep you can go. It is not a zoning regulation. Some of the buildings under construction have below-grade parking.

Mr. Wilkinson also commented that at some point it would be good to have a grocery store downtown which would also require parking.

Mr. Wilkinson replied to a question that TAP often gets requests from residents regarding changes in parking in neighborhoods, such as high school students parking in residential neighborhoods. He said with regard to multi-family housing if there is only 1.4 parking spaces per unit, but two drivers/cars in the unit, that will affect street parking. The construction at Main and Maple has resulted in the loss of parking spaces on Main Street to accommodate some of the workers who are involved in the construction on Maple. He also referred to the 2-hour parking in the downtown with employees parking on the street all day on a Saturday. Mr. Popovich said one of the issues as well is enforcement of employees parking on the street.

Mr. Kulovany said that Yorktown shopping center is about 3-4 blocks long and people will park and walk in the mall. But they won't walk a block from the parking garage to the downtown stores. It is a behavior change. Mr. Kulovany asked whether TAP has looked at synchronized lights on Main Street. Mr. Wilkinson said that has not come before them for review. It might be part of Public Works, and they also would have to work it through with the railroad.

Mr. Kulovany then asked whether TAP is involved in Metra, and Mr. Wilkinson said they are not. He said that they were asked if they favored a pedestrian overpass at the railroad tracks.

Mr. Popovich said that from 1997 to present there were about 600 additional residential units added downtown, with 500 additional public parking spaces, and 400 private

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parking spaces. Other dynamics that could affect parking would be the change to driverless cars.

Chairman Rickard said he spends more time than he likes to admit in the parking deck. During normal business hours the deck is fairly well filled. There's a change after working hours and on the weekends. He thinks some of the issue with using the parking deck is laziness.

A commissioner asked about the 600 additional units, and asked how many are currently under construction. Mr. Popovich said that there are about 300 currently under construction. Mr. Maurer noted then that half of the residential units added over the last 20 years are under construction right now.

3. Mr. Richards who resides at Oak Tree Towers said that their residents have been allowed to use the AT&T south side parking. If something happens to that, there will be about 30 residents of Oak Tree without parking availability.

Mr. Popovich said Staff would obtain additional information about densities and uses in the downtown and allowable densities in other communities.

Mr. Kulovany asked what the reasoning is behind the Council wanting greater density downtown. Mr. Popovich said if there are more people downtown more businesses would remain open. They want to keep a quaint feel to the downtown, with density around the edge of residents who would frequent the downtown businesses.

Ms. Hogstrum said that they recently approved demolishing a building for St. Joseph's parish at Franklin and Main to allow for an additional surface parking area. There could be an opportunity for residents to use those parking areas during off hours.

Chairman Rickard called for a Motion to continue the meeting.

**Mr. Kulovany moved to continue the meeting for Case 16PLC-0019 to July 24, 2017, seconded by Ms. Gassen.  
All in favor. Motion carried.**

Chairman Rickard said he might not be present for that meeting.

**Mr. Quirk moved, seconded by Mr. Kulovany to adjourn the meeting.  
All in favor. The Motion carried.**

Chairman Rickard adjourned the meeting at 9:05 PM.

Respectfully submitted,

Tonie Harrington,  
Recording Secretary.

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**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING****MINUTES FOR JULY 10, 2017**

Chairman Rickard called the July 10, 2017 meeting of the Plan Commission to order at 7:02 p.m. and led in reciting the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chairman Rickard, Mr. Boyle, Ms. Hogstrom, Ms. Johnson, Mr. Kulovany, Ms. Rollins

**ABSENT:** Ms. Gassen, Mr. Maurer, Mr. Quirk, Ex. Officio members Davenport, Livorsi & Menninga

**STAFF:** Village Sr. Planner Rebecca Leitschuh  
Village Planner Swati Pandey  
Village Planner Scott Williams

**VISITORS:** Kent Conness, 1846 Grant St., Downers Grove  
Scott Richards, 1130 Warren, Downers Grove  
Joseph Fara, Thomas Buckley Architects, Hoffman Estates, IL  
60195

**APPROVAL OF MINUTES FOR JUNE 5, 2017 MEETING**

**Mr. Kulovany moved, seconded by Ms. Rollins, to approve the minutes for the June 5, 2017 Plan Commission meeting.  
All in favor. The Motion carried.**

Chairman Rickard explained that after discussion on the two cases before the Plan Commission, the Commission will make a recommendation to the Village Council for their final decision. The Public Hearings for this meeting are for a zoning map amendment, and a special use permit. Chairman Rickard reviewed the procedures to be followed for the meeting, explaining that the Plan Commission is a recommending body. He asked anyone who intended to speak during the Public Hearings to rise and be sworn in.

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**16-PLC-0059 Special Use Amendment & Zoning Map Amendment for an Automobile Dealership. Owner: Omar Dweydari, 1723 Ogden Ave., Downers Grove, IL 60515; Applicant: Thomas Buckley, PO Box 95624, Hoffman Estates, IL 60195**

## APPROVED MINUTES

Village Planner Swati Pandey explained the application was for an automobile dealership located at the southwest corner of Ogden Avenue and Lee Avenue. The property at 1723 is an existing automobile use, and the property located at 1731 Ogden Avenue has three vacant buildings on the site. Immediately south of the 1723 commercial building is another parcel which is vacant and zoned R-1. The property at 1723 Ogden Avenue was approved for redevelopment for an automobile dealership in 2016. The applicant is returning with a request to amend the Special Use to consolidate the vacant parcel and allow the expansion of the approved parking lot from 2016. The vacant parcel is zoned R-1 and the applicant is also requesting a zoning map amendment to rezone the vacant property to B-3, General Services and Highway Business.

Ms. Pandey displayed Plats of Survey for 1723 and 1731 Ogden, and a Plat for the vacant parcel. Prior to the issuance of any building permits, a lot consolidation will have to occur. A display of the Future Land Use Map shows the vacant parcel, which is classified, as commercial. The vacant parcels to the east and south are zoned R-1 and have been part of the Village's stormwater mitigation program. They would not be developed in the future.

Ms. Pandey then displayed two site plans, one of which was previously approved in 2016 and shows the proposed building and associated improvements to the parking lot. It excludes the vacant parcel on the southeast corner of the site. The second site plan is the proposed site plan for the property and shows the vacant area as part of the amendment, including parking as well as associated landscape plans. All other elements of the site design remain the same as were approved in 2016.

Ms. Pandey said that the east most curb cut on Ogden Avenue will be removed, and the one on Lee Avenue will be moved further south. She showed the commercial property to the west at 1815 Ogden. Traffic circulation on the site has been reviewed by Staff and approved. A representation of the parking area including customer parking along Lee Avenue, and employee parking on the west side of the site has been reviewed for compliance with the Zoning Ordinance based on all of the uses on the site.

The engineering site plan displays the buffer area showing the northern boundary that will be improved with a permeable parking lot and landscape islands. She noted that the Petitioner has been advised of the wetland mitigation plans and will mitigate any negative impact caused by the redevelopment. The Petitioner has also provided a landscape plan that meets all minimum open space requirements of the Zoning Ordinance along both Ogden Avenue and Lee Avenue,

## APPROVED MINUTES

Photographs of the proposed building at 1723 Ogden Avenue depict improvements of the north façade with a new front and decorative overhang. Two columns are proposed for the east and west walls as anchors for the building. Signage proposed on the building will be reviewed at the time of permitting and is not part of the scope of the Special Use application. Elevation drawings are the same as submitted in 2016 with no changes proposed at this time.

The staff report packet contains the zoning analysis, which meets all the bulk requirements including open space, parking and photometrics. The application meets the goals of the Comprehensive Plan and the properties are identified as part of the Commercial Corridor reinvestment to improve the aesthetics and beautification of Ogden Avenue. There is a reduction in curb cuts proposed. The application also meets the zoning map amendment standards for approval. The existing vacant lot will remain vacant with minor encroachment to the wetland buffer area that is being developed in conjunction with the existing use to the north and consistent with the zoning of the nearby properties.

Ms. Pandey reviewed the Findings of Fact and the Special Use standards for approval criteria as shown in Staff's Report dated July 10, 2017, pages 5-7. The use is not detrimental to the public health, safety and welfare since the petitioner will be redeveloping a property with the same existing use, and the proposed development will be required to meet all applicable Village regulations including the Stormwater Ordinance

Based upon all of the findings Staff recommends that the Plan Commission make a positive recommendation to the Village Council for the approval of the Special Use amendment and Zoning Map amendment applications for 1723 and 1731 Ogden Avenue, subject to the 13 conditions listed on pages 7-8 of Staff's report dated July 10, 2017, 16-PLC-0059, 1723 Ogden Avenue.

Ms. Johnson asked what the buffer zone does for the wetlands, and what percentage of the buffer zone will be converted. Ms. Pandey replied that generally for any runoff to go into the wetland, a buffer zone is provided to filter out any type of debris going into the wetland. These are reviewed by wetland specialists, which will occur at the time of permitting. The improvements are not quantified by land area percentages. It is a water quality issue that the specialists will review. The applicant will provide a plan to determine how much of an improvement they will be providing.

Ms. Leitschuh further responded that the Village has stormwater engineers internally who identify that particular element of the review; however, when it is a larger commercial project, it is contracted out by the Village to wetland specialists.

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In response to Mr. Kulovany, Ms. Pandey showed the area on the map where the wetlands are on the site. Mr. Kulovany asked how much of the wetland is on this property versus the property to the south. That information was not known.

Ms. Rollins asked what Condition #2 referenced. Ms. Pandey said the intent is to limit any loading or unloading of vehicles on Lee or Ogden Avenues, and the elimination of test-drives on Lee Avenue.

Ms. Hogstrom said in 2016 another condition was raised regarding the lighting and asked about the cut-off shields. Ms. Pandey replied that at the time of the 2016 meeting, they did not have specification sheets regarding the lighting. With this petition, the lighting has been included as part of the plan.

There being no further questions of Staff at this time, Chairman Rickard called upon the Petitioner to make its presentation.

Mr. Joseph Fara stated he was an associate of Thomas Buckley, the Petitioner, who was out of the country at this time. Mr. Fara said that the present plan is very similar to the one made before the Plan Commission in 2016. He said the building is the same, as are many other elements of the site, with the exception of the southeastern property. He provided some background on the property, which is 37,000 square feet in size in the northeastern section. The site was purchased in 2000, and Star Motor Works was established in 2001. Inventory was then sold to Luxury Motors, which eventually suspended their lease, and the current ownership took possession in 2007. In 2008 the dealership reopened as Motor Works, Inc., and in 2010 the name was changed to Star Motor Sales, as it remains today. Mr. Fara said that in 2015 owners purchased the adjacent properties to the west totaling about 94,000 square feet as part of the original proposal before the Plan Commission in 2016. Presently, the total square footage including the newly acquired vacant area is 187,641 square feet.

Mr. Fara explained that public hearings included expansion of the automobile dealership, stormwater, lighting, exterior elevations, traffic on Lee Avenue, truck-turning radii, parking and landscaping. The present application consolidates an additional vacant property currently zoned R-1. The Petitioner is requesting additional outdoor parking, as well as the items discussed in the previous submittal. The changes are site related, and do not affect floor plans, building façade, etc. It is independent from the 1644 Ogden Avenue proposal, although that site is under the same ownership. The operations will be distinctly separated and managed by their own team of employees. He then said that the dealership has about 182 parking spaces on site for customer, employee and inventory parking. The entire parking area will have eco-friendly permeable brick pavers, and there will be LED lighting

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added together with trees and shrubbery. He referenced the landscaping plan noting additional curbs, landscaping buffers, etc.

Regarding the floor plan, Mr. Fara said that it includes a service showroom and offices resulting in about 14,500 square feet of space. The service area size will remain unchanged. Access to service is on the south side of the building. The primary purpose of the expansion is to maximize the indoor space and protect their inventory as they have experienced vandalism and weather damage to their inventory. They will maintain a state-of-the-art indoor showroom. The current façade will be remodeled for curb appeal, and to include a new reception area. He explained that the service bay will be remodeled, and a new detail bay will be added to the corner of the building.

Mr. Fara explained that the photometric plan is being revised to maintain illumination along the perimeter of the site, with a 2.0 maximum illumination on the north, east and west sides. Lighting fixtures will be equipped with cut-off shields. Truck-turning radius plans are basically the same as previously submitted.

Ms. Leitschuh said that there are copies of the photometrics available in Staff's report.

Chairman Rickard asked whether the Petitioner is aware of the 13 conditions recommended by Staff and whether there are any comments or questions regarding them.

Mr. Omar Dweydari, 1723 Ogden Avenue, owner of the dealership, commented on Condition #3 of Staff's report. He has no objection to the "no right turn" signage on Lee Avenue; however, he does have an objection to test drives being limited to arterial streets as defined in the Comprehensive Plan, which include Ogden Avenue, Belmont Road, Warren Avenue and Main Street. Mr. Dweydari said that the dealership cannot be held liable if a customer test-drives on Lee Avenue. Their practice is to have a salesman accompany a customer on the test drive. However, on occasion when there is a couple driving a two-seater, the salesman cannot attend with them, and the customer will drive on roads not allowed, even though they have been given a map of which roads are allowed. If they take a side street, the dealership has no control over that. He has had situations where he has had to go to court on tickets received by customers who have not followed the map. He ended up having to pay the tickets. He said he spoke with Community Development Director Popovich explaining that he would like the Village to place signage on Lee Avenue stating, "no test driving" or "local traffic only." He cannot be held liable for what a customer does when a salesman is not present on the test drive. Mr. Dweydari said he would like to see that condition removed, as he does not believe he should be held responsible for something over which he has no control. He has no problem with the other conditions.

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Mr. Boyle asked what type of vehicles they sell, and what type of service they provide. Mr. Dweydari said they sell used cars, and have service for their own vehicles. Their service is not open to the public. They are keeping the same service and are expanding the detail area.

Mr. Boyle then referenced the photometric that was submitted saying the south portion looks to be zero foot-candles. He asked if that will be fenced off or secured in some way. Mr. Dweydari said they have deflectors to keep light from the residential area. The security problems are in the front and not the rear.

Mr. Boyle asked if they have considered extending the parking to the southwest area rather than near the buffer zone. Mr. Fara said that area was for circulation.

Mr. Anas Alkhatib of 5625 Middaugh Avenue, civil engineer for the site, showed on the buffer plan that they are diverting the overflow from one area to another area for drainage. They cannot move the buffer area, which is there to maintain the wetlands. By using permeable pavers they are improving the wetland area. They think this is a reasonable encroachment into the buffer for the location, due to the pavers. He said that this wetland is not high quality or sensitive to changes.

Chairman Rickard then clarified that the buffer area filters the water before it gets to the wetland area. Mr. Alkhatib said that was correct and it improves the situation to filter into the wetland from the buffer area.

Mr. Boyle asked what would prevent future expansion over the buffer. Mr. Alkhatib said they could not expand any further as it is wetland and the Ordinance would prohibit it.

Ms. Hogstrom noted that it is nice to hear they would be improving the quality of the vegetation that presently exists there.

Ms. Leitschuh said that there have been complaints from residents about other dealerships test-driving in the residential area. She said that the condition as specified in this petition is one that the Plan Commission can expect to see more of in future cases involving automobile dealerships.

Mr. Kulovany asked whether that will be by ordinance, or is a special use condition. Ms. Leitschuh said that once Council approves it is in effect an ordinance.

Chairman Rickard asked if this would be a requirement for all car dealerships and Ms. Leitschuh said it would be, and it would also be enforceable.

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Chairman Rickard then asked for clarification as to who gets the tickets. Ms. Leitschuh replied that at this time it is the dealership owner who gets the ticket. She explained that the majority of times the dealership has a salesperson in the car with the test driver.

Mr. Kulovany said that begs question as to whether the Village may be creating a situation where there is a moving violation based on the Special Use condition where the party who gets ticketed had nothing to do with the moving violation, as in the case of a two-seater car with no salesperson in the car. Ms. Leitschuh replied that from the complaints they have received from residents in the past, the Village has found that a salesperson has been present in the car. The violation tends to occur along the same streets and the residents are the source of documentation. She added that placing the condition on the special use is an attempt to protect the rights of the residents in the area surrounding the auto dealerships.

Chairman Rickard noted that this is the condition that was put in place a year ago when this came before the Plan Commission, and the Village Council approved it then with the same conditions as exist in this particular case.

There being no further comments from the Commission at this time, Chairman Rickard invited the public to comment.

1. Scott Richard of 1130 Warren Avenue said he lived at 1525 Ogden Avenue for twelve years. He said that car dealerships don't really abide by many of the Village's Ordinances. He wanted to remind the car dealers that there are ordinances in town about using the Village parkways as parking lots for their automobile inventory. He wants to see that dealerships are not able to use the parkways as parking lots, and he wants that law enforced. He said that he saw Ziegler had Jeeps on the parkway and they know they can get away with it.

2. Kent Conness of 1846 Grant Street said he thought the condition about not driving on Lee is a fine condition, and he asked whether Packey Webb is aware of this as they have a much larger dealership opening on Ogden. Ms. Leitschuh said she did not know. Mr. Conness said he's lived in the area for a long time and is concerned about stormwater and encroachment into the wetlands area. He noted that several houses on Lee were purchased by the Village for stormwater management, so the word "encroachment" is cause for concern. He doesn't like that they are allowing construction on wetlands. He also asked if they have a sales tax rebate agreement. Chairman Rickard said that was not the purview of the Plan Commission. Mr. Conness said another concern of his is light pollution, and said Staff should make sure the photometric plan is executed as it's shown on the application.

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Chairman Rickard said that the Village's stormwater engineers will review this to make sure it complies with the requirements.

There being no further comments, Chairman Rickard asked the Petitioner for any further comments.

Mr. Alkhatib said the existing property used to have access parking along the building. The proposed site plan improves the imperviousness of the site, creating less water than existed previously. They have planned for a very thick layer of stone to assure proper drainage, and Staff has reviewed their plan.

Mr. Fara said they are sensitive about light pollution, and their intent is to reduce light pollution. The lights will be pointing downward, and will be less reflective.

Mr. Dweydari commented about the test-driving on Lee Avenue, noting that none of his salesmen have been in a car with a customer on Lee Avenue. He said that if a salesperson is in the car when a violation occurs, he will take responsibility for the ticket; however, if a customer is alone, he will not be responsible for the ticket. He would like to see signage placed on Lee Avenue, and if absolutely necessary he will pay for that signage himself. Ogden Avenue is filled with auto dealerships, and when a resident sees a green license plate it does not mean it is Star Motors. Star Motors does not sell Nissan products. To add to the problem, there will be four other dealerships near his dealership. He has no control over what a driver does when a salesman from Star Motors is not in the car with the driver. If his salesman is present, Mr. Dweydari said he will assume responsibility for the ticket.

Mr. Kulovany asked what soil is under the parking area, and Mr. Alkhatib said it is clay.

Ms. Hogstrom asked Mr. Dweydari what occurs when a customer takes a car out on their own and has an accident. Mr. Dweydari said their own insurance will cover the accident; however, if his salesperson is present with them, then the dealerships insurance would cover the accident. He noted that a customer without his own insurance is not allowed to test drive a car. If a customer wants to take a car out overnight, they have to fill out a form for liability. He explained that every customer who comes in and test drives a car has their driving information recorded.

There being no further comments, Chairman Rickard closed the Public Hearing at 8:13 PM, and opened the floor to discussion from the Plan Commission members.

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Ms. Johnson asked Staff about submitting a wetland mitigation plan and whether it is part of the permitting process since it's not mentioned in the conditions. Ms. Leitschuh replied that it is part of standard permitting.

Mr. Kulovany said that he believes this petition meets the requirements and is a great improvement to the site. It meets the Comprehensive Plan. Replacing two feet of clay with gravel is a definite improvement as well. He is concerned about forcing a third party to pay for someone else's moving violation. He recommended adding the words "Shall use all reasonable efforts to ensure that" prior to the beginning of Condition #3 on page 7 of Staff's report.

Chairman Rickard asked whether Staff has an opinion about that condition. Ms. Leitschuh said she doesn't know about other dealerships. She said when this information goes to the Village Council they will know that the Plan Commission sees these issues as requiring further review.

Chairman Rickard said if every dealer is being told the same thing then he has no problem with it. Ms. Leitschuh said that over the last two years this has been put into the conditions of petitions during that period; however, it is not retroactive.

Ms. Johnson said if Staff is recommending this condition, she thinks Staff should be notifying other dealerships about this condition.

Ms. Leitschuh said that car dealerships are now permitted as a Special Use, and this is the tool that the Planning Staff is using.

Chairman Rickard questioned whether there is consideration for the Village Council to regulate this by making it a Village Ordinance. Ms. Leitschuh said that the Plan Commission can bring that to Council's attention.

Mr. Kulovany commented that if there is a violation of the Special Use by test drivers, the Village can pull the Special Use for the dealership for something that the dealership has no control over.

Ms. Rollins said that she likes the idea of other options such as placing more signage on the side roads where test drives are prohibited. Ms. Johnson asked where the signage would be placed, because a driver could enter at any point on Lee and not be aware of the signage.

Chairman Rickard asked whether it is a violation for someone to test drive down Warren Avenue and then turn up Lee to return to the lot. Ms. Leitschuh replied that you cannot test drive a car on anything less than an arterial street anywhere in the Village.

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**Mr. Kulovany moved to forward a positive recommendation to the Village Council for case 17-PLC-0059 subject to the 13 conditions in Staff's report, and amending Condition #3 by adding the words "Shall use all reasonable efforts to ensure that" to the beginning of that condition. Ms. Rollins seconded that Motion. All in favor. The Motion carried unanimously.**

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**16-PLC-0060: Special Use for an Automobile Dealership located at 1644 Ogden Avenue. Owner: Prestige Classics II, LLC, 8300 Clynderven Road, Burr Ridge, IL 60527; Applicant: Louis Kanjo, 1121 Parkwood Avenue, Park Ridge, IL 60068.**

Scott Williams, Planner for the Village of Downers Grove, explained that the applicant is proposing renovation of the 8,669 square foot commercial building located between Lee and Downers Avenue. The property is zoned B-3 General Services and Highway Business and is currently unoccupied.

He described the surrounding zoning. There is one curb cut onto Ogden Avenue. He referenced the Plat of Survey noting that the ingress/egress easement is shared with the property to the west to access the rear parking area. The easement ranges in width from 10' to 15' as it goes toward the back of the property. Mr. Williams displayed photographs of the property with the existing building and paved area.

The Petitioner plans improvements to the rear portion of the property including replacement of the exiting chain-link fencing with a 6' tall solid fence separating the dealership property from the residential properties to the rear. Regarding landscaping, Mr. Williams said that the Petitioner will add approximately 314 square feet of open space on a space-restricted site caused by the existing building. They intend to add a few trees in the right-of-way.

There will be no outdoor display of automobile inventory as the cars sold will be convertibles and remain in the building. The petitioner is providing 18 parking spaces where 15 are required, and any future signage will comply with the Village's Sign Ordinance. The photometric plan meets Code requirements and is well below the amount of lighting adjacent to the residential area.

Mr. Williams presented the elevation drawings that show an improvement to the street façade.

Mr. Williams said the proposal is consistent with the recently approved Comprehensive Plan. Based on the Findings of Fact for a Special Use, Staff

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recommends a positive recommendation by the Plan Commission to the Village Council, subject to Conditions 1-7 on Page 4 of Staff's report dated July 10, 2017, 16-PLC-0060, 1644 Ogden Avenue. He noted that Condition #6 relates to test-drives being limited to arterial streets as defined in the Comprehensive Plan.

There being no questions of Staff, Chairman Rickard called upon the Petitioner to make its presentation.

Mr. Louis Kanjo of 1121 Parkwood Avenue, Park Ridge, said he operated the World Class Motorcars dealership on Ogden Avenue at 1245 Ogden Avenue since 1999. They renovated that entire site a few years ago. He also partnered in the Saab dealership at 217 Ogden Avenue. Mr. Kanjo has been in the Downers Grove community for about 18 years, and he will be working and managing the dealership at 1644 Ogden Avenue on a daily basis. He said their plan will improve the existing building and façade for that commercial corridor. The access to Ogden Avenue will remain the same, and there will be a minimal loading/unloading of cars. He also said that the neighboring owner, Mr. Novak, was in attendance and was ok with the proposed use and the unloading plan.

Ms. Johnson asked if there is a contingency plan if Mr. Novak intends to sell his property in five years. Mr. Kanjo said they have no control over that. Most of the cars will be driven onto the property, and he emphasized that offloading cars onto Ogden Avenue will not occur.

Mr. Kanjo asked that the same verbiage be added to Condition #6 as was done to the earlier petition. He indicated that he does have a test drive agreement with customers, and he will add that agreement to the petition if the Village wants that. He understands that you cannot always control customers when they test drive. They want to be sure that the residents are comfortable with their dealership, and he wants to maintain a good relationship with them.

There being no comments or questions from the public, Chairman Rickard closed the public hearing.

Ms. Johnson said she doesn't like the idea that offloading is contingent upon the neighbor; however, the petitioner has stated that the majority of the cars will be driven in. She doesn't think it's wise to make it contingent upon the neighbor.

Ms. Hogstrom said she sees this as an improvement of what is there and she would have no problem supporting this.

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**Mr. Kulovany moved to forward a positive recommendation to the Village Council for case 16-PLC-0060 subject to the 7 conditions in Staff's report, amending Condition #6 3 by adding the words "Shall use all reasonable efforts to ensure that" to the beginning of that condition. Ms. Johnson seconded that Motion. All in favor. The Motion carried unanimously.**

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Ms. Leitschuh reminded the members that the next meeting on the Comprehensive Plan update will take place on July 24, 2017. She asked that if any members are unable to attend to notify Staff. If there isn't a quorum available Staff will have to reschedule.

There being no further questions or comments, Chairman Rickard called for a Motion to Adjourn.

**Mr. Boyle moved, seconded by Ms. Hogstrom, to adjourn the meeting. All in favor. The Motion carried.**

Chairman Rickard adjourned the meeting at 8:59 PM.

Respectfully submitted,

Tonie Harrington  
Recording Secretary