

APPROVED 08-28-17

**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING**

**MINUTES FOR AUGUST 7, 2017**

Chairman Rickard called the August 7, 2017 meeting of the Plan Commission to order at 7:00 p.m. and led in reciting the Pledge of Allegiance.

**ROLL CALL:**

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

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

**STAFF:** Director of Community Development Stan Popovich, AICP  
Village Sr. Planner Rebecca Leitschuh, AICP  
Village Planner, Scott Williams

**VISITORS:**

**APPROVAL OF MINUTES: June 26, 2017 meeting**

Ms. Gassen moved, seconded by Ms. Rollins to approve the minutes for the June 26, 2017 meeting as presented.

**AYES:** Ms. Gassen, Ms. Rollins, Mr. Boyle, Ms. Hogstrom, Mr. Kulovany,  
Ch. Rickard

**NAYS:** NONE

**ABSTAIN:** Ms. Johnson

The Motion to approve passed 6:0:1

**APPROVAL OF MINUTES: July 10, 2017 meeting**

Mr. Kulovany moved, seconded by Ms. Johnson to approve the minutes for the July 10, 2017 meeting as presented.

**AYES:** Mr. Kulovany, Ms. Johnson, Mr. Boyle, Ms. Hogstrom, Ms. Rollins,  
Ch. Rickard

**NAYS:** NONE

**ABSTAIN:** Ms. Gassen

The Motion to approve passed 6:0:1

Chairman Rickard reviewed the procedures to be followed for the meeting, explaining that the Plan Commission is a recommending body for the petitions on the Agenda. Once the Public Hearing portion of the meeting is closed, the Plan Commission

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members will deliberate to recommend approval, recommend approval with conditions or recommend denial of the petition. That recommendation will be forwarded to the Village Council together with all supporting documentation on the petitions. Final decisions will be made by the Village Council at a future date. He reviewed the subject matter of the petitions on the Agenda, and then asked all individuals intending to speak during the public hearings to rise and be sworn in.

### **PUBLIC HEARING**

**FILE 17-PLC-0022:** A petition seeking approval of a Special Use and setback variation to allow a drive-through restaurant facility, and a Final Plat of Subdivision to create a commercial outlot. The property is zoned B-3, General Services and Highway Business. The property is located at the northwest corner of the intersection of Ogden Avenue and Williams Street, commonly known as 42-76 Ogden Avenue, Downers Grove, IL (PINs 09-04-112-034 and 09-04-112-035). Pam Sullins, agent of IRC Retail Centers, Petitioner, and IRC Downers Grove, Marketplace, Owner.

#### **Staff Presentation:**

Mr. Scott Williams, Village Planner, said that the subject property is located at the northwest corner of Williams and Ogden; however, this evening they will consider a Final Plat of Subdivision based on the entire size of the Subdivision known as Downers Grove Market. There are currently two large buildings located on the site with a combined area of 105,000 square feet. With regard to zoning, they will be discussing a drive-through that is impacted by the adjacent zoning. He explained that the subject property and the property to the west are zoned B-3. There is R-4 single-family zoning to the east, with the Village of Westmont also to the east and the south. There is additional single-family zoning to the north.

Mr. Williams referred to the Plat of Subdivision that will result in the internal property lines being changed to accommodate the drive-through facility. He said the proposal reduces the overall parking count to 513 parking spaces, which is still well over-parked from the required 439 parking spaces. They are turning unused parking area into commercial space with a drive-through. Furthermore, there will be a new access point off of Williams Street with curb and gutter. Starbuck's is a pre-existing business on the existing property and will move to the new building with the drive-through.

Mr. Williams referred to the engineering of the site, stating that pedestrian connections leading from the proposed building will connect to the existing sidewalks. He explained that the total size of the building is about 3800 square feet, with Starbuck's occupying the western space of the building. The remainder of the building will be occupied by an as yet unknown fast-food type of restaurant facility. With regard to the stacking for the drive-through, it is 11 feet versus the required 10 feet to allow for a wider turning radius going around the building.

Elevation drawings depict the buildings being made of brick, stone and EIFS, with a cornice and parapet. The petitioner has increased the amount of brick on the building from its original plan. It will also feature metal canopies and lighting features. There is

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a patio proposed to the south of the Starbuck's. Regarding landscaping, the proposal includes a total of 1,404 square feet of new landscaped green space on the site, reducing the impervious area. The petitioner will remove two trees but plant an additional 14 trees on the site. No additional on-site stormwater detention is required, and the site will comply with all provisions of the Stormwater Ordinance.

Mr. Williams then addressed the proposal's compliance with the Comprehensive Plan, noting that the Comprehensive Plan speaks of reinvestment in the regional commercial areas to retain current businesses and attract new restaurants. He noted that the proposed uses and the proposed plan are consistent with the Comprehensive Plan.

With regard to the setbacks, Mr. Williams reviewed the setbacks as noted in his Staff report dated August 7, 2017, with comparisons of the proposed setbacks to the required setbacks for the specific zoning district. The petitioner will include additional lighting in the form of six new light poles, three of which are back-to-back. He also noted that the proposal for the three commercial lots would meet the minimum lot dimension requirements for the Subdivision Ordinance.

The drive-through Special Use is a compatible use for the site, as Starbuck's already exists at that location, and the drive through is a permitted Special Use.

The petitioner is seeking a variation from the 25' drive-through lane setback from the northern property line. Staff sees the variation requirements as having been met as stated on pages 7-8 of Staff's report dated August 7, 2017.

Mr. Williams said, based on its findings, Staff recommends that the Plan Commission make a positive recommendation to the Village Council regarding Case #17-PLC-0022 subject to the following four conditions:

1. The proposed Final Plat of Subdivision and Special Use with a Variation request for a coffee shop restaurant with a drive-through use shall substantially conform to the proposed Downers Market Multi-tenant building engineering drawings prepared by Craig R. Knoche & Associate Civil Engineers, PC dated July 4, 2017, last revised August 1, 2017, the architectural drawings prepared by JTS Architects dated January 24, 2014, last revised August 1, 2017, and the Downers Grove Market Resubdivision, prepared by Craig R. Knoche & Associate Civil Engineers, PC dated July 4, 2017, except as such plans may be modified to conform to Village codes, ordinances, and policies.
2. All signs must meet the requirements of the Sign Ordinance.
3. The building shall be equipped with an automatic suppression and an automatic and manual fire alarm system.
4. A curbed "pork-chop" shall be installed at the  $\frac{3}{4}$  access point to Williams Street. Vehicles exiting the site shall be prohibited from turning left (northbound) onto Williams Street.

### **Petitioner's Presentation**

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Ms. Pam Sullins with IRC Retail Center, Owner of the subject property, stated she is the Project Manager. She said that her entire team is present to respond to any questions the Commission members might have. Ms. Sullins noted that Village Staff made a thorough presentation of their request, and she was available to answer any unaddressed issues.

Ms. Rollins said she has been in Starbuck's drive-through lines before and it looks as though they are trying to wrap the vehicles around the front of the building. It looks like they could end up blocking traffic with only a couple of extra cars.

Mr. Mike Worthman of KLOA traffic engineers said that their surveys show a maximum queue of about 7-8 vehicles, which they are providing in this proposal. Eight vehicles meets the Village Code. If it does back up, the cars can come around and stack up in the parking lot if necessary. They can accommodate a number of cars before they get to Williams Street. There will be way-finding signage installed.

Mr. Steve Cullins of Starbucks Coffee Company, 564 West Randolph, Chicago, said that typically they use directional way-finding to help guide cars through the site. They also have specific striping on the pavement of double green chevrons pointing to the drive-through. Once people get used to the drive-through flow it becomes easier.

Mr. Worthman noted also that the peak period is in the morning when the rest of the shopping center is closed or operating at very little capacity.

A Commissioner asked whether the meeting requested with residential property owners across from the proposed Williams Street access point ever occurred. Ms. Sullins said that one resident did receive their letter, and she has a signed certification of receipt. However, they attempted three different times to deliver to the first house and have never been able to deliver. They used UPS certified.

There being no further questions at this time, Chairman Rickard invited the public to make their comments or ask questions. There were no speakers.

Ms. Sullins said that during or after this building is built, if the two residential owners have complaints, she would be happy to meet them and talk about relocation of some plantings in front of their homes.

Chairman Rickard then closed the Public Hearing.

### **Deliberation:**

Chairman Rickard said he believes the Standards have been met for the Special Use permit and the setback variation. He verified that the property owner for the newly created parcel and the shopping center would be the same owner.

**Mr. Kulovany moved that in case 17-PLC-0022, Final Plat of Subdivision and Special Use in conjunction with a variation for a drive-through, that the Plan**

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**Commission forwards a positive recommendation to the Village Council. Ms. Hogstrom seconded the Motion. All in favor. The Motion carried.**

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**FILE 16-PLC-0019 (Continued from June 26, 2017):** 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 Plan Commission's last meeting on this topic was held on June 26, 2017. He reviewed the summary of the previous meeting and Staff's report. Discussion for this meeting will include a review of the existing design guidelines and their use, a review and comment on the CPC design guidelines recommendations, and historic preservation in the downtown area.

Mr. Popovich discussed Table 1 in Staff's report covering existing multi-family developments in the downtown and their densities. Table 2 describes density calculations in other communities, and Mr. Popovich noted that some communities do not use density calculations, but might use floor area ratios instead. He noted that in the DC area Staff finds the 800 square feet per dwelling to be appropriate.

Mr. Popovich then referenced the bed and breakfast recommendation from the Plan Commission, noting that Staff concurs that bed and breakfasts can be created as a subgroup because they are unique, while inns should fall under the lodging classification.

In the DC district, the Commission suggested allowing offices as special uses on the first floor, but permitted uses on the second floor or above. Mr. Popovich noted that there are many offices already located in the DB and DT zoning district that would be impacted by a change in zoning classification. Staff recommends continuing to allow offices as permitted uses in the DC, DE-1 and DE-2 districts. He further noted that some blocks in the DT area have older homes that have been converted to office use. He then explained that Staff's recommendation is to prohibit any new auto-oriented uses in the downtown area to encourage a pedestrian oriented downtown. Existing drive-through uses can continue as a lawful non-conforming use. If a lawful non-conforming drive-through business closes and reopens within six months, the drive-through can continue to be used. If no business reopens after six months, the drive-through would have to close as well.

Mr. Popovich explained Staff's recommendation to allow apartment/condo uses as a permitted use to encourage these uses in the downtown as identified in the Comprehensive Plan. The developments would have to comply with all the bulk regulations and design guidelines. Otherwise a variance would have to be approved. As for areas specified on Gilbert Avenue, and Rogers Street, Mr. Popovich said they would have to be examined further to determine their impact to existing and proposed uses, and to determine what zoning would be appropriate.

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Ms. Hogstrom said the tables are very helpful. With regard to Gilbert Avenue and Rogers Street, she asked what would happen if a building changed from a multi-family unit to single-family. Mr. Popovich said they would be considered a lawful non-conforming use, and could maintain their existing multi-family use but could not expand it. If they were to convert to a single-family home they would lose their lawful non-conforming designation. Article 11 of the Zoning Ordinance discusses lawful non-conforming uses.

In further response, Mr. Popovich said if a multi-family building were demolished, it would have to go back to single-family construction.

Ms. Hogstrom asked for further clarification that if property on Gilbert were sold to a new party it would still remain multi-family. Mr. Popovich said that was correct.

Ms. Gassen asked about requiring buildings to conform to design guidelines. Mr. Popovich said Staff reviews projects internally to assure that design guidelines are met. Builders are required to meet bulk requirements, density, setback and design guidelines as determined by Staff. With the Marquis on Maple Staff found that they met all bulk regulations and design guidelines. Main and Maple, and 5100 Forest requested relief from the Zoning Ordinance in terms of density. Ms. Gassen said her concern is that there could be a situation where a building that is being constructed might impact neighboring properties, and if she understands this correctly, the public would not know about it until it is under construction. She thinks it is often not an issue, however, there are situations when there might be a concern to other people.

Mr. Kulovany said he agrees with those comments, saying that when Main and Maple was being presented there was not much notice to the community. At least it went to the Plan Commission and two Village Council meetings.

Ms. Gassen added that there could be some kind of compromise where neighbors were notified or a neighborhood meeting was scheduled to inform them of what was being proposed.

Chairman Rickard asked if there was a map of potential redevelopment sites available. Mr. Popovich said it is hard to say because there are a lot of smaller lots in the downtown area owned by one person, and they would have to be consolidated into one lot. With a consolidation they would not have to come before Council if they met all the standards. Marquis on Maple was one lot. The Main and Maple project was a consolidation, and 5100 Forest was one lot as well. Some other lots have been identified in the Comprehensive Plan as catalyst sites.

Mr. Boyle said he would lean toward community involvement earlier on. You would not want to stifle a possible development, but at the same time you would not want to have something built before the community has any opportunity for involvement.

Mr. Popovich said there are certain requirements that have to happen in terms of notification. For rezoning anything other than residential, they have to have a

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neighborhood meeting. In all public hearing cases, notice would be made to property owners within 250' of the site for the public hearing.

Chairman Rickard said the special use request would trigger the public hearing.

Mr. Popovich said it sounds as though the Plan Commission would prefer to see this as a Special Use and the consensus was that was correct.

Mr. Popovich then discussed design guidelines, using a photo of an "idyllic" downtown. There are similar elements to the "ideal" downtown area such as base elements, cornices, etc. The Village's existing Design Guidelines were established in January of 2009 based on a pattern book from 2008, and Staff administers guidelines. He explained how Staff looks at the guidelines and how they apply to proposed buildings in terms of materials, entrances, building features, etc. He showed photographs of Acadia on the Green, Burlington Station, Main and Maple with design variations depicting the rhythm of the buildings. He described the variety of rooflines and cornices used in the downtown area. Staff also encourages façade elements such as light fixtures, awnings, benches, landscaping, outdoor cafes, etc. He also displayed examples of downtown buildings in other communities. Staff does not review renovations of interior spaces. The Comprehensive Plan Committee recommended maintaining the current system with Staff reviewing the design elements, and ultimately bringing it to the Plan Commission and Village Council.

Mr. Kulovany referenced the third paragraph of the Design Guidelines which states: "The Design Guidelines are not intended to dictate architecture or building design, but rather guide development to ensure the desired Downtown character and sense of place while facilitating appropriate new development and exterior renovations." He said he thinks Staff does a fine job in working with developers and providing their input as to how things should look. His question concerns what recourse the Village has if a developer says they are not interested in following the design guidelines but will build according to Code. Mr. Popovich replied that in most cases developers want to work with Staff and present something that will be supported by Staff. If someone did not meet the design guidelines, Staff would note that in its report. It could be dealt with as a special use by saying that the developer does not meet the intent of the Comprehensive Plan. It's difficult because many communities have design guidelines but don't codify them into regulations. Most applicants do want to get a positive Staff recommendation.

Mr. Kulovany said his concern is what would prevent a developer from saying, in the middle of the downtown, that this is what he wants to build. He doesn't think this should be the purview of the Plan Commission, but he is not comfortable at this point saying that the guidelines should just be guidelines, and he is also not comfortable with saying these should be mandatory. He thinks this is something the Village Council should look into further. Some communities have a combination of guidelines and requirements.

Ms. Rollins asked whether the guidelines are discussed for some of the other key focus areas, as that would probably help some of the other catalyst areas in the Comprehensive Plan. Mr. Popovich said they are applied primarily to the downtown area, which is pedestrian oriented versus auto-oriented.

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Ms. Leitschuh said when people do come in with something unacceptable, Staff does have conversations about the design guidelines and in some cases the developers incorporate some of the design elements.

Chairman Rickard said he has some thoughts similar to Mr. Kulovany. He referenced a building near his home saying he has a concern with a developer who comes in with something that is unacceptable design-wise. He asked if there is any recourse on the part of the Village to force them into compliance. Mr. Popovich said that they can look at the Comprehensive Plan and say that they have to meet the Comprehensive Plan that has specific text related to design. The developer has to market an attractive product.

Chairman Rickard asked if it would be a reach to take wording from the Comprehensive Plan to correlate it to the design of a building. He thinks that it is reasonable to deny some developments if it can be tied into the Comprehensive Plan. Mr. Popovich said Staff would have to craft arguments that would be defensible. Design Guidelines are considered a policy of the Village. He said about the Forest Avenue building was approved but the builder changed materials during the project. Staff works on behalf of the Plan Commission and the residents. There has to be an understanding that the Village wants to facilitate redevelopment; however, it also has to be understood that the developer's bottom line is to come up with a product that will sell.

Mr. Kulovany said his point is that this needs more study to really determine what is the right mix for Downers Grove. How do we get developers to want to build here as opposed to other suburbs, and how do we get the public's input as to the downtown as well.

Ms. Hogstrom asked about the Marquis materials used on the bottom of the building, and Mr. Popovich said the finish on the first floor is a limestone block.

Mr. Boyle said he thinks the buildings downtown look amazing. One thing he mentioned was the complex just south of the Lemon Tree grocery, where he felt they could promote natural materials as much as possible. Cedar starts to degrade. Mr. Popovich said there is an International Property Maintenance Code that Staff follows that would require maintenance of the building. Code Enforcement officers will go out to tell people they have to maintain certain aspects of their property. Mr. Boyle also noted the pathway to the parking garage that could benefit from some additional maintenance, particularly as a way to promote the parking garage as having connectivity with the downtown community. Mr. Boyle also referenced the northeast corner space at Main and Curtiss. Mr. Popovich said the tenants will be making some improvements to the façade. Mr. Boyle asked whether Staff will have a chance to review that. Mr. Popovich said Staff has looked at it and will review it again.

Ms. Gassen said it would be nice if there was more input in some of the designs that come to the Village. She asked if the Plan Commission would be making suggestions regarding guidelines. Mr. Popovich said if they think there are specific elements that should be included in design guidelines, then that should be noted. Ms. Gassen said she has some general categories such as decorative lighting fixtures, using warmer colored lamps, landscaping, and special recommendations for buildings with historic

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significance. She also suggested providing a link regarding tax credits available for some of the buildings. She suggested placing another link to the design guidelines besides just the Architectural Design Review Board page.

Mr. Popovich then reviewed the Historic Preservation Ordinance that was adopted in 2015. He noted that there are several buildings in the downtown that are historic properties, such as the Main Street train station. He asked if there were any other ideas on historic preservation in the downtown.

Ms. Gassen asked whether the Architectural Design Review Board will be reviewing these updates, and Mr. Popovich said they would not at this point. The Village Council will determine whether they will review this.

Mr. Kulovany said the new Comprehensive Plan does a great job in promoting historic preservation downtown. He doesn't know what more the Plan Commission can add. There is a gap for commercial properties with the 10% federal investment tax credit for buildings over 1936 and the 20% only comes into play if you have a national historic registry district. So it's going to have to be individual landmarking.

Ms. Gassen said really all they have right now is the 10%.

Mr. Kulovany said that Staff is also doing a great job in working with developers and he was not referring to Staff when he mentioned the difficult developer. Mr. Popovich said before a case is brought to the Plan Commission it has typically been in Staff's hands for a couple of months for review to ensure compliance with all planning documents. In some cases staff will work with developers for some time before the developer creates a final plan for a formal submittal.

Chairman Rickard said he would never suggest that buildings have to be a certain color or architectural style. He has had some experience with architectural boards as a petitioner and in some cases they are nightmares. The question is how do you codify architectural style that everyone would agree with. Another question is the enforceability of design. Main and Maple has been a case in point where people have said to him that they don't approve of the bulk. He hasn't heard anyone come up with exactly what they would want to see.

Mr. Popovich said that Staff will come back with an additional report on what was discussed this evening. The August 28<sup>th</sup> meeting will focus on finalizing the report to the Village Council. This should go before Council sometime in September. He hasn't had any feedback from Council so far.

There being no further question or comments, Chairman Rickard called for a Motion to Continue the Public Hearing.

**Ms. Hogstrom moved to continue the Plan Commission Public Hearing to August 28, 2017. Ms. Gassen seconded the Motion. All in favor. The Motion carried.**

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Mr. Popovich gave an update on several projects in the Village. He noted that there would be a National Planning Conference in Naperville in September. He will check to see if funding is available, and asked if anyone is interested to let Staff know.

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

Chairman Rickard adjourned the meeting at 8:43 PM.

Respectfully submitted,

Tonie Harrington,  
Recording Secretary