

APPROVED 7/2/19

**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MINUTES  
JUNE 3, 2019**

**CALL TO ORDER:**

Chairman Rickard called the June 3, 2019 meeting of the Plan Commission to order at 7:00 PM and led in reciting the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Mr. Boyle, Ms. Gassen, Ms. Johnson, Ms. Majauskas,  
Mr. Quirk, Ch. Rickard

**ABSENT:** Mr. Maurer, Ex. Officio Members Davenport, Livorsi & Menninga  
A quorum was established.

Ch. Rickard reminded everyone present to silence any electronic devices during the meeting, and noted that copies of the Agenda are available on the shelves at either side of the Chamber.

**STAFF:** Jason Zawila, Planning Manager  
Flora Ramirez, Development Planner  
Gabriella Baldassari, Development Planner  
Devin Kamperschroer, Planning Intern

**VISITORS:** Scott Richards, 1130 Warren, Downers Grove, IL  
Florencio Arrieta, 203 Mill Creek Lane, Naperville, IL  
Ivan Nockov, 400 N. State Suite 400, Chicago, IL

**APPROVAL OF MINUTES: May 6, 2019 meeting**

**Ms. Gassen moved, seconded by Mr. Boyle to approve the minutes for the May 6, 2019 meeting.**

**The Motion to approve the minutes passed by Voice Vote with abstentions by Ms. Johnson and Ms. Majauskas.**

Ch. Rickard reviewed the procedures to be followed for the two scheduled public hearings, and explained that the Plan Commission is strictly a recommending body. The purpose of the meeting is to gather facts, information and testimony on any items on the Agenda. The Plan Commission's decision is not final, but is strictly a recommendation to the Village Council for the Council's final decision. He said a report would be forwarded to the Council with a Motion to recommend approval, recommend approval with refinements, or recommend denial of the petition. The Village Council makes all final decisions.

APPROVED 7/2/19

Meeting procedures are as follows:

The Petitioner will present its case to the Plan Commission, followed by questions to the Petitioner by Commission members. The Public will then have an opportunity to make comments before the Commission regarding the case under consideration. Chairman Rickard asked that each speaker provide his or her name and address for the record.

Following presentations by the Public, a member of the Community Development Department will present staff's report. Upon completion of presentations by the staff and the Public, the Petitioner will have the opportunity to question statements made or provide a closing statement.

The Chairman will then close the public hearing portion of the meeting, and the Commission will review the information provided and ask questions of the speakers. Upon completion of the Plan Commission's deliberation, a Motion will be made containing a recommendation to the Village Council regarding the case.

Ch. Rickard then asked everyone who intended to speak on the petition before the Commission to rise and be sworn in.

## **PUBLIC HEARINGS**

**19-PLC-0011: A petition seeking Special Use approval to operate a personal vehicle sales. The property is currently zoned M-1, Light Manufacturing. The property is located on the north side of Wisconsin Avenue, approximately 500 feet west of Belmont Road, commonly known as 2300 Wisconsin Avenue, Unit 101, Downers Grove, IL (PIN 08-12-407-006). Florencio Arrieta, Petitioner and MacNeil Real Estate Holdings, Owner.**

### **Petitioner's Presentation:**

Mr. Florencio Arrieta, applicant from Naperville, IL, stated he is requesting a Special Use permit for the sale of high-end used cars because of the existing zoning on the property. His company was established in April of 2015. He deals with limited or numbered cars. The cars are stored in a climate-controlled environment throughout the year. Mr. Arrieta said his clientele is limited to the kind and number of cars he has available. He has many clients based in Westchester east to Aurora west, and is moving his business to include the western suburbs. He expects his line of cars will add aesthetics to the neighborhood. Cars that are traded in as part of a sale are auctioned at another facility, and would not be sold on the premises. He then described the 1600 square foot layout of the unit. Typically summer is what he calls his Christmas season for sports cars, and he would not put more than six cars in the unit. Cars cannot be parked outside of the unit as part of his agreement with his landlord. Most of his cars are not paint protection laminated, and he does provide that service to his customers only upon request. He stated he will adhere to all the stipulations and regulations from

APPROVED 7/2/19

his landlord and is asking the Village to approve his request. He will make no modifications to the building either on the exterior. There will be no changes to the signage specifications of the Village. No cars will be parked outside and there will be no banners. This is similar to what an on-line dealership would resemble. The Secretary of State requires operation of the facility at least four hours a day. He will also abide by the routes suggested for test drives; however, the cars are valuable and he is selective on who test-drives the car. He noted that he is a nuclear specialist with Exelon and deals with the Nuclear Regulatory Commission and is familiar with working for the safety of the general public. There will be no flammable liquids stored on site other than gasoline in the tank of the cars. The premises will be kept to maintain the image of the business that he operates.

Ms. Johnson asked if this is by appointment only, or will there be an employee there. Mr. Arrieta said there will be someone on premises from 11:00-3:00 every day.

There were no further questions from the Plan Commission members at this time, and no public comments. Ch. Rickard called upon staff to make its presentation.

### **Staff Report**

Planning Intern Devin Kamperschroer explained that the petition is a request for a Special Use permit for property located at 2300 Wisconsin Avenue, Unit 101, on the southwestern most unit of the complex which is zoned M-1 Light Manufacturing. The current tenant mix requires 90 parking spaces and there are 150 available. He noted that conditions for approval have been stated by staff on Page 3 of its report dated June 3, 2019. Based on the petitioner's submittal, staff's report and the testimony presented, staff finds that the petitioner has met the standards of approval for a Special Use as required by the Village of Downers Grove Zoning Ordinance and recommends approval of Petition 19-PLC-0011 subject to the aforementioned conditions on page 3 of staff's report.

There being no comments or questions from the Plan Commission, Ch. Rickard asked Mr. Arrieta if he had any further comments.

Mr. Arrieta said he appreciated the help and support of the Village's staff to make sure he had all of the details covered. He hopes he can contribute to the tax base of the Village.

Ch. Rickard then closed the public comment portion of the public hearing.

### **Commission Deliberation:**

Ms. Majauskas said she felt the petition was cut and dry, and as a Special Use nothing rang any bells for her. She would recommend approval.

Ch. Rickard said he agrees, as they appear to have met the three criteria for approval. There being no additional comments, he called for a Motion.

APPROVED 7/2/19

**Ms. Gassen said that based on the petitioner's submittal, the Staff Report, and the testimony presented, she finds that the petitioner has met the standards of approval for a Special Use as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore she moves that the Plan Commission recommend to the Village Council approval of 19-PLC-0011, subject to the following conditions:**

**1. The Special Use shall substantially conform to the staff Report, plans and documents attached to said report except as such plans may be modified to conform to the Village Codes and Ordinances.**

**2. All test drives are limited to arterial streets as defined by the Comprehensive Plan. Arterial streets include: Ogden Avenue, Belmont Road, Warren Avenue, and Main Street.**

**3. All vehicle deliveries must be completed on private property. Deliveries may not take place on Wisconsin Avenue.**

**4. No vehicles for sale may be stored outside. All vehicle storage must be within the building.**

**Ms. Majauskas seconded the Motion.**

**AYES: Ms. Gassen, Ms. Majauskas, Mr. Boyle, Ms. Johnson, Mr. Quirk, Ch. Rickard**

**NAYS: None**

**The Motion carried unanimously to recommend approval of the petition.**

Mr. Zawila said this item would come before the Village Council at its July 9, 2019 meeting.

.....

**19-PLC-0012: A petition seeking Special Use approval to operate a fueling station. The property is located on the southeast corner of Main Street and 63<sup>rd</sup> Street, commonly known as 6301 Main Street, Downers Grove, IL (PIN 09-20-114-019). Vequity LLC Series LX Downers Grove, Petitioner and Orontes Properties, Owner.**

**Petitioner's Presentation:**

Mr. Ivan Nockov stated he represented the developer, Vequity LLC, in this case. The subject site is currently a Shell gas station, which has a small convenience store and automotive shop. They plan to demolish the existing building, canopy and rebuild it and remediate the site for a new 7-11 Convenience Store, as well as six pumps in front of the convenience store. They will have new tanks, product lines, etc., and everything will meet all local regulations. The 7-11 is a corporate store and must follow all safety requirements according to their site plan. They are using all new materials fiber-concrete panels for building construction. He showed drawings of the proposed building. There will be six pumps. They have been asked to meet three criteria by the Village. He said that the proposed property is located in a B-2 zoning district, which meets the

APPROVED 7/2/19

standards established by the Village. He said the redevelopment of the existing filling station will continue to provide a fueling station for the public, and the proposed use will include landscaping and curb cuts along Main and 63<sup>rd</sup> Street. He said their plan will continue to provide fueling services and is in the interest of the public. It will pose no health, safety or general welfare problems to the residents of the Village of Downers Grove. The use will meet the Comprehensive Plan goals including landscaping and proposed curb cuts.

A question was raised as to “significant contamination” by the Shell station. Mr. Nockov said he did not say there was significant contamination, but explained there are usually some type of leaks or contamination that comes along with gasoline stations, including possible corrosion of tanks underground. They always have a Fire Marshall present during removal of the tanks, and there are times when they have to remediate the site. They are required to address any potential leaks or contamination that might be discovered.

Ms. Majauskas asked if there is an opinion on how contaminated the site it, and Mr. Nockov replied it is one of the least contaminated. This is not a major case. He verified that they are required to obtain statements from the EPA regarding the condition of the site. In further response regarding the panels they are using, it is a fiber-cement panel that allows greater architectural design and resembles wood panels.

With regard to loading fuel, the fueling trucks will approach on Main Street and leave eastbound on 63<sup>rd</sup> Street, which is the safest route. Mr. Nockov described the fueling process, and how the nozzles are situated on the fueling trucks. This will minimize curb cuts to the road as well as requested by the County.

Ch. Rickard called upon the public for additional comments. There were no comments.

### **Staff Report**

Ms. Flora Ramirez, Development Planner for the Village, explained the Special Use request for property located at the intersection of Main Street and 63<sup>rd</sup> Street, currently zoned B-2, General Retail. She displayed slides of the site, and the Plat of Survey. Site improvements include additional landscaping along the street frontages of Main Street and 63<sup>rd</sup> Street. Pedestrian connections will also be provided. In addition, there will be a reduction in the curb cuts to just one curb cut on each side. She also provided elevation drawings for review.

Staff finds that the Petitioner meets the Standards of Approval for a Special Use within the Zoning District. She referenced Page 4 of Staff’s report dated June 3, 2019 specifying three conditions to a recommendation for approval.

Ms. Majauskas asked why they must go through a Special Use permit as they are trading apples for apples. Ms. Ramirez responded that during researching this petition, they found that the exiting station did not have a Special Use on file and is an existing nonconforming use. Since this proposal involves complete demolition of the site and

APPROVED 7/2/19

building from scratch, the Zoning Ordinance requires that a Special Use permit be filed for the property.

The petitioner thanked staff for their assistance, and the Commission for their time.

There being no further questions, Ch. Rickard closed the public portion of the meeting.

### **Commission's Deliberations:**

Ms. Gassen said she thinks this will be an improvement to the intersection and looks forward to seeing it. She would recommend approval.

Ch. Rickard said that this site should be an improvement for the residents with elimination of the storage yard behind the building, and it has fewer curb cuts, which is good for the area. Other Vequity buildings have been well received.

There being no further comments, Ch. Rickard called for a Motion.

**Mr. Boyle stated that based on the petitioner's submittal, the staff Report, and the testimony presented, he finds that the petitioner has met the standards of approval for a Special Use as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, he moved that the Plan Commission recommend to the Village Council approval of 19-PLC-0012, subject to the following conditions:**

**1. The proposed Special Use request to redevelop the existing fueling station shall substantially conform to the Architectural and Photometric Plans prepared by Ilekis Associates, dated May 20, 2019, last revised on May 23, 2019, Landscape Plan prepared by LG Workshop, LLC, dated May 20, 2019, last revised on May 23, 2019; Engineering Plan prepared by V3 Companies, Ltd., dated May 21, 2019, last revised on May 23, 2019, attached to this report except as such plans may be modified to conform to Village Codes, Ordinances and policies.**

**2. The approval from DuPage County Department of Transportation shall be submitted prior to the issuance of a building permit.**

**3. The building shall be equipped with an automatic suppression and an automatic and manual fire alarm system.**

**Ms. Johnson seconded the Motion.**

**AYES: Mr. Boyle, Ms. Johnson, Ms. Gassen, Ms. Majauskas, Mr. Quirk,  
Ch. Rickard**

**NAYS: None**

**The Motion passed unanimously.**

Mr. Zawila said this would go before the Village Council July 9th.

.....

APPROVED 7/2/19

Mr. Zawila introduced Gabriella Baldassari the recently hired development planner.

Mr. Zawila then provided updates on previous Plan Commission cases.

.....

**Ms. Gassen moved to adjourn the meeting, seconded by Mr. Quirk.  
The Motion carried unanimously by voice vote.**

**Ch. Rickard adjourned the meeting at 7:45 PM.**

Respectfully submitted,

Tonie Harrington,  
Recording Secretary  
(transcribed from mp3 recording)