

MINUTES
REGULAR PLAN COMMISSION MEETING
January 14, 2021

Call to Order and Roll Call

The meeting was called to order at 7:00 p.m. by Chairperson Mary Loch, who described the nature of the Plan Commission, including its function and responsibilities, and outlined procedures for conducting the meeting remotely – including public participation – due to the Covid-19 disaster declaration.

Chairperson Loch introduced meeting participants Village Trustee Bill Enright, Planning Manager Kelly Purvis, Associate Planner Cole Jackson, and Recording Secretary Barbara Dutton.

Roll call was taken. Present: Chairperson Loch and Plan Commissioners Lloyd Berry, Angela Fanella, Tracy Heming-Littwin, John Mulherin, David Rodemann, Mohammed Saeed and Jamie Vondruska.

Absent: Plan Commissioner Laura Brown.

Adoption of Emergency Allowance of Remote Participation by the Plan Commission

A motion to allow remote participation in the meeting was made by Commissioner Mulherin and seconded by Commissioner Heming-Littwin. The motion carried with eight (8) yes votes and zero (0) no votes as follows: Commissioners Mulherin, Heming-Littwin, Berry, Fanella, Rodemann, Saeed and Vondruska, and Chairperson Loch voted “yes.”

Public Comment Non-Agenda Items

There was no public comment pertaining to non-agenda items.

Public Hearing Concerning a Planned Unit Development for the Construction of an Orthodontics Office at 414 Pennsylvania Avenue

A motion to open the Public Hearing concerning a Planned Unit Development for the construction of an orthodontics office at 414 Pennsylvania Avenue was made and seconded by Commissioners Heming-Littwin and Fanella, respectively. The motion passed with eight (8) yes votes and zero (0) no votes as follows: Commissioners Heming-Littwin, Fanella, Berry, Mulherin, Rodemann, Saeed and Vondruska, and Chairperson Loch voted “yes.”

Staff Introduction

Associate Planner Cole Jackson and Planning Manager Kelly Purvis, Village of Glen Ellyn, 535 Duane Street, were sworn in. The former announced that this evening was the first time this proposed PUD for the construction of an orthodontics office at 414 Pennsylvania Avenue was before the Plan Commission, as there had been no pre-application meeting for the project. Associate Planner Jackson introduced the Petitioner, RWE Design Build, representing property owner Park Boulevard Property LLC, owned by Dr. Adam Saylor. Associate Planner Jackson described the 50 ft. x 200 ft. development site, which is zoned C5B and is amid other properties zoned the same, and pointed out that residential property is to the northwest of the site. He displayed photos of existing conditions of the structure – residential in design –

currently occupying 414 Pennsylvania, as well imagery of a retaining wall at the back of the site along a grade change meeting the DuPage Medical Group parking lot. He related that 414 Pennsylvania is in Area D of the Comprehensive Plan, which suggests use as office and service, and that the Village's Downtown Plan designates similar uses. Approval, he said, is sought for a Planned and Final Unit Development; for exterior appearance; a variation from the sign code; and deviations to allow:

- a refuse container in the front yard;
- no parking lot landscape islands;
- an accessory use greater than 10 feet from the principal structure to be approximately 51 feet from the front lot line where and 60 feet is required;
- the refuse enclosure to be 7 inches from the west lot line; and
- a side yard setback of 3 feet from a residential lot.

To be constructed is a 4,055SF, two-story orthodontic office, approximately 33 feet tall, with clinical space and capacity to accommodate two practitioners, and serve (during a peak hour) 12 patients. Associate Planner Jackson described site attributes planned, including a 12-space parking lot; code-compliant arborvitae plantings for screening; and a stone monument sign set back 2 ft. 6 in. from the property line. The office building is to have stone-veneer and fiber-cement siding, and an asphalt-shingle roof with a metal roof-awning. A tree preservation plan was provided, he said.

Commissioner Rodemann asked why a Special Use Permit was being requested, to which Associate Planner Jackson responded that the Special Use is tied to the project being a PUD, to which all properties in the C5B zoning district are subject. Planning Manager Purvis added that new construction and additions over a certain size in the downtown have to apply as PUDs. Commissioner Rodemann asked if the retaining wall is on the property line or set back from it. Referring to the Plat of Survey, Planning Manager Purvis stated that it was a few feet off the property line (on the DMG property). Commissioner Saeed asked if the parking lot was to feature permeable pavement, and whether storm-water detention is required. Associate Planner Jackson replied that the parking spaces would feature permeable pavers, that most of the water would drain toward Pennsylvania Avenue, and that a detention pond is not required.

Petitioner's Presentation

The following were sworn in for the Petitioner: Adam Saylor, 215 Regent St., Glen Ellyn; Michael Matthys, Linden Group Architects, 10100 Orland Parkway, Orland Park, IL; Bill Zelewski, Advantage Consulting Engineers, 80 Main St., Lemont, IL; Jason Sanderson; and RWE Design Build, 16W361 S. Frontage Rd., Burr Ridge, IL.

Addressing an earlier question posed, Mr. Matthys explained that elevation drawings depict the ground "coming up" in a grade change. The retaining wall on DuPage Medical Group's property, he said, is about 7 ft. 8 in. from the property line and there's an additional 5 feet between the property line and the proposed building. He also responded to public comment submitted in advance of the meeting that plan drawings held inaccuracies: Mr. Matthys stated that the submitted civil and landscape plans provide accurate descriptions, and that the site plan has been updated to show the correct location of the house on Western Avenue. He turned his focus to the Pennsylvania "street wall" concept, which

would have the proposed orthodontic office pushed up to align neighboring buildings. Access to a rear parking lot for the development, he said, could be achieved with a route through the westerly neighbor's (dentist's) lot, but this approach presents traffic concerns: Dr. Saylor, he related, would prefer his building be located close to Pennsylvania, but a conversation with the westerly neighbor, Dr. Kipper, revealed a concern about using the latter's parking lot, potentially endangering older clients.

Mr. Matthys said that the trash enclosure placement was challenging, but the solution identified involves a location in proximity to the neighbor's refuse enclosure. He described the planned drainage system, wherein roof water would be collected by in-ground infrastructure leading to storm water structure beneath Pennsylvania Ave. He stated that the monument sign would be 2 1/2 feet from the property line, and that it would be rotated 90 degrees, and beautified with low plantings to minimize the impact to sight lines of drivers exiting the parking lot. In discussing the side-yard setback variance requested, Mr. Matthys contended that the prescribed setback restricts development and also believes the house is non-conforming to C5B zoning as well as the required setbacks for a residential use. Dr. Saylor expressed that signage near Pennsylvania would be important since the office would be a distance from the street.

Commissioner Questions

Chairperson Loch asked if the 12 patients specified would be visiting over the course of the peak hour or all at one time. Dr. Saylor responded that while currently fewer patients are visiting his practice, due to Covid restrictions, when operating at normal capacity, the busiest times see six to seven patients crossing paths, but not 12 at a time.

Commissioner Rodemann thought that in a drawing of a car shown stopping to get some vision in its path out of the parking lot, the car appeared to be pulled into the sidewalk, and that he is "not crazy about" the sign location. In regard to the 51-foot setback depicted for the garbage enclosure, Commissioner Rodemann understood that a variance wouldn't be needed if it were 60 feet, so wondered about the proposed placement. Planning Manager Purvis responded that there still would be some deviations needed, as the enclosure is in the front yard and near the side lot line as well.

Commissioner Mulherin asked if the side yard setback variation would apply if the building was adjacent to a commercial property. Planning Manager Purvis replied that the property of concern is zoned commercial, grandfathered in as non-conforming residential use, and that Staff took a "conservative" approach in applying the setback requirement to Dr. Saylor's lot since the lot to the northwest is used as a residential lot. Commissioner Mulherin asked if this conservative approach would apply if the proposed building was sited to the front of the property. Planning Manager Purvis stated that Staff probably wouldn't have applied the requirement as then the new office building wouldn't be anywhere near the residential structure. Commissioner Mulherin asked if anyone knew whether the little red house to the east of Dr. Saylor's property was part of the old Lichtenwalter dental building. Planner Purvis said she didn't know but thinks the two easterly properties are owned by the same entity, but isn't sure if it's part of the same property. Associate Planner Jackson said a 1995 PUD plan allows two structures on one zoning lot, for a permitted dental use on the site. Commissioner Mulherin wondered if some part of that lot could be acquired for Dr. Saylor's development, making the site plan look different. He said the building to the east looks out of place.

Commissioner Saeed asked if the monument sign might be moved to the 5 feet setback to have the clear turning sight distance, sacrificing a parking space. Mr. Matthys replied that eliminating space number 12 could happen, but asked if doing so would need a variation for the parking. Associate Planner Jackson stated this is correct. Chairperson Loch asked how many staff are present at one time. Dr. Saylor said 8 to 10, and that parking is important, so would prefer to sacrifice the sign. Mr. Matthys asked Dr. Saylor to confirm that it would be more likely that the Petitioner would move the sign than give up the spot. Dr. Saylor answered affirmatively. Commissioner Heming-Littwin asked whether there is a curb or raised wall near the final parking spot that could be built up to display a sign, in lieu of a standalone sign. Commissioner Fanella added that perhaps such an arrangement could include a bench for youth to await a ride. Mr. Matthys said a reduction in sign height could be considered, but that even a sign on a curb would need something to hold it up, so a foundation would still probably be constructed. Commissioner Heming-Littwin said that the problem lies in the height and sight lines. Mr. Matthys thought that the sign had been modified, explaining that a stone tower was removed to help the viewing triangle. Mr. Sanderson asked how far back the sign could go, to which Mr. Matthys said probably 18 inches to 2 feet, though cautioned the need to allow space for car doors to open. Wondering if there's a height that would be more amenable, Dr. Saylor expressed that he is open to considering other sign designs. Planning Manager Purvis stated she understood that Staff and engineers were comfortable with the sign as is in terms of the safety of the placement of the sign and subsequent sight distance. Commissioner Heming-Littwin asked if the lot was to be a left or right exit only. Mr. Matthys stated there were no restrictions on exiting or entering.

Commissioner Berry sought confirmation that there would be no side setback requirement if the structure were placed at the front. Planning Manager Purvis replied that since the proposed building is to be next to one with a residential use, Staff went with the 20-ft. setback requirement and are requesting a deviation from that. Commissioner Berry inquired as to the current use of the red house to the east. Associate Planner Jackson stated that while it is recorded as a dentist use, someone appears to be living in it. Commissioner Berry asked if there were any attempts to acquire this property as part of this land assemblage. Dr. Saylor said he didn't look into that. Being that the structure is what he believes to be the oldest standing one in Glen Ellyn, he doesn't "want to be the guy to tear that down." Mr. Matthys indicated that lot doesn't go back the depth of the Petitioner's lot, but only to a parking lot. Commissioner Heming-Littwin asked if getting an easement to use that parking lot (to the east) for access has been explored. Dr. Saylor responded, no, that it looked like a big project to tie the two lots together. He further recalled that he'd realized that the dentist to the west "had to ensure that for the longevity that he owned the building and then whoever bought it beyond him could not use that property for something else or change that parking lot structure," so the concern was that if he (Dr. Saylor) had access via another piece of property, it couldn't change. Planner Purvis stated that from a circulation standpoint it made sense to get an easement for access from Western Ave., but that she didn't think most people would make the connection of access from the alternative discussed. Chairperson Loch asked about the status of the 495 Western "cabin," recalling the Draft Comprehensive Plan had identified its location as a potential pocket park. Commissioner Mulherin stated that the owner has indicated that it is occupied as a residence. Planning Manager Purvis reminded the Commission that

the discussion of the Draft Comprehensive Plan determined the site was not useful as a pocket park and that recommendation will be revised.

Public Comment

Associate Planner Jackson read the following received written comment into the record:

Head Holdings LLC, owner 416-420 Pennsylvania Avenue, Glen Ellyn (Also signed by Pattie Murray, owner 495 Western Avenue): *"To whom it may concern, The following is an objection to the proposed project at 414 Pennsylvania Avenue, Glen Ellyn, Illinois. The objection has four main sections which include (1) Lack of accuracy of the current drawings, (2) Lack of common sense for the location of the proposed building, (3) Code violations/variances of extreme measures, (4) Value damages to the neighboring properties.*

1.) Lack of Accuracy of the Current Drawings.

*Drawing PD-0.1 shows the structure(s) on 495 Western Avenue (if drawn to scale) as being approximately **20-21** feet from the western lot line of the property at 414 Pennsylvania Avenue. The existing structure is less than two (2) feet from the lot line. The drawing also shows the structures on 495 Western Avenue as being only one structure (when there are two (2) structures) and that they are drawn parallel to the lot line at 414 Pennsylvania. The two (2) existing structures on 495 Western Avenue have been built parallel to the street of Western Avenue not parallel to the lot line. The two (2) trees depicted on the lot at 495 Western Avenue have been drawn to be approximately 16-17 feet away (if drawn to scale), when in fact one of the trees depicted doesn't exist, and the other one is actually touching the lot line between the two properties. When referencing the "Landscape Plan" in drawing LI00 to see the exact location of the two (2) trees, one finds a tree at the northeast corner of the property at 495 Western Avenue. That tree does not exist and is a complete fabrication by the architect. The other tree, the one that actually touches the lot line has been omitted from the drawing. The topographic survey completed by Roy G Lawniczak has the easting tree that touches the lot line, as being completely on the property of 414 Pennsylvania Avenue. The tree in question is mostly on the lot at 495 Western Avenue. The Lot width at 414 Pennsylvania Avenue has been drawn to be 50 feet. However, historical records show the lot width to be less than 50 feet.*

*All of these inaccuracies give the public the sense that there is plenty of room between the proposed new structure and the existing structures at 495 Western Avenue. This is a **GROSS** misrepresentation to the public of what currently exists. You cannot just draw things where you want them to be. The tree on the lot line of the two properties is, at the very least, in question on whose property it exists on. The "shed" structure at 495 Western Avenue IS less than two (2) feet from the property line. The "house" structure at 495 Western Avenue IS 6.3 feet from the property line.*

Given that there are inaccuracies on all three (3) of the drawings represented to the public, the hearing to accept variances on the proposed new structure should not even proceed past this section. In no way has the public been properly informed of the encroachment of the proposed new structure on its neighbors.

2.) Lack of Common Sense Location

The village of Glen Ellyn had a "vision" for the downtown retail and office district. That vision was expressed and carried out on the last few projects constructed on Pennsylvania Avenue. The downtown "street wall" has been complied with by all of the owners that built new structures on Pennsylvania Avenue within the last two decades. Some of those projects include the dental building at 408 Pennsylvania, The DuPage Medical Building, and the Townhouses at 460-470 Pennsylvania. All of these properties along with the dental building at 420 Pennsylvania are all "lined up" perfectly to create this "street wall". Putting a structure at the "back" of the property at 414 Pennsylvania Avenue is a complete break in that vision for our village. So, to allow a project to break every reasonable setback requirement in order to stick a building in the back of the lot defies common sense.

Secondly, the proposed structure will have its back up near the retaining wall of the parking lot of the DuPage Medical Group (north lot line). That parking lot has huge water cisterns (water management systems) contained within it. Common sense would recognize that over the decades, that "natural events" could have an impact leading to the demise of the retaining wall. Could that wall need structural repairs?

Common sense would suggest that we should be prepared for that event. How, will heavy equipment"

Commissioner Fanella noted that the Commission members had received this letter. Planner Purvis added that the Commission also had received a letter from Pattie Murray.

Sworn in Pattie Murray, 620 Midway Park, Glen Ellyn, stated that the 495 Western property, of which she is the owner, made an impression on her in that it was recognized with a 2002 "Restoration of the Year" award, and that it would be a travesty to have it dwarfed by a 4,100SF dental office right up against its rear. She said that with all the deviations and variations requested, it would have behooved the Petitioner to have done due diligence. She further commented that the proposed development seems ill-conceived for the lot, and that as an attorney and a real estate broker she would have advised someone who came up with this concept that it wouldn't work with this property. She declared that she was never contacted by the Petitioner to see if there was any access agreement or whether she'd be willing to sell the home. She stated that its tenant, a broadcaster who is working from home due to Covid19, will not be able to work from the house if the orthodontist building is constructed on the lot line. She said that a construction project requiring this number of extreme deviations, which she said are outside the spirit and intent of the zoning code, is not appropriate. She stated that the building should be located at the front of the property, along the street, to conform, and suggested there are other options that should be considered.

Replying to a query by Chairperson Loch about discussion with the property owner to the west, Planning Manager Purvis said Staff typically wouldn't reach out to a single-family property in such a case.

Dr. Douglas Head, 470 Lowell Ave., Glen Ellyn, was disallowed to comment by Chairperson Loch, as his letter ("Head Holdings") was already read. He did, however, offer to answer questions posed by Commissioner Mulherin, who was receptive to this. Sworn in, Dr. Head said the red house at 416 Pennsylvania combined with 420 Pennsylvania carries what constitutes dual zoning: Milton Township

identifies 416 as commercial property, but the Village recognizes it as residential. He affirmed that there has been a tenant in the red house, and said that the 416 Pennsylvania property goes all the way back to the north lot line.

Steve Horvath, 473 Sunset Court, Glen Ellyn, was sworn in. He asked if the Petitioner had performed due diligence on deviations prior to purchasing the property. Commissioner Mulherin, who recognized Mr. Horvath is Pattie Murray's son, deemed the question irrelevant. Dr. Saylor stated that he met with the Village before buying the property, and understood there to be no restrictions preventing him from creating a practice space that "would fit."

Commissioner Heming-Littwin moved to close the Public Hearing; seconded by Commissioner Saeed, the motion carried with eight (8) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Saeed, Berry, Fanella, Mulherin, Rodemann and Vondruska, and Chairperson Loch voted "yes."

Commissioner Discussion

Commissioner Vondruska said he went to look at the property, he is okay with the project and variances, and the Village did a good job in being conservative. Commissioner Fanella said she agreed "mostly with" what Commissioner Vondruska said, adding she likes the architecture of the proposed building and that the rear location will offset the 1850s house. She said she can support the project and the deviations requested and appreciates Dr. Saylor's desire to keep his practice in Glen Ellyn.

Commissioner Rodemann expressed dismay at the lack of conversation between the Petitioner and the owner of the cottage on Western – which, he said, is at peril of losing desirability – and feared the community could find itself with "a leftover lot." He said he has a problem with the number of variations, and that while he appreciates Dr. Saylor wanting to stay in town and find a better facility, the lot proposed might not be the best one to accomplish this. He expressed unease about the proposed development, and concern about the monument sign. He thought perhaps a smaller building would reduce volume while maintaining the character expressed in its architectural design.

Commissioner Mulherin said that while he would like to support the project, he, too, is troubled by the small lot that would be left. He would like to see the proposed building adjacent to Pennsylvania. He is not in support of the project. Given Pennsylvania streetscape tenets, Commissioner Berry said he opposes the project, and says it seems "out of consistency" with Village objectives. He also wants to avoid ending up with a piece of valueless property on Western. Commissioner Saeed listed three concerns – the proposed office is too far from the street, the refuse enclosure is too far forward, and sign obstruction – that make him unwilling to support the project.

Commissioner Heming-Littwin said she is "very torn on this project." While happy to see a business want to stay in Glen Ellyn and do something with a lot she sees as a relative "eyesore," she has concerns about the cottage on Western. She is puzzled by the real estate agent's concern about its aesthetic value and a perceived contradiction in the owner's willingness to sell the property. She read an excerpt from the Head Holdings letter: *"The properties at 416-420 Pennsylvania ARE **currently for sale**. Again, "bypassing" the known laws and codes allow the owner of 414 Pennsylvania Ave to "bypass" the need to purchase the properties at 416-420 Pennsylvania Avenue."* She speculated this might be suggesting that such action would reduce the value of 416-420, and thereby could be construed as a desire to purchase

the 414 lot by the owner of 416-420, and that potential buyers unable to purchase the lot are perhaps articulating sour grapes. She noted that she hoped the Village Board would take a close look at the letters submitted. She said she is in favor of the proposed project and will vote to recommend approval. She added that she would like to see the development front Pennsylvania, and that the proposed sign is concerning.

Chairperson Loch said she had had concerns about the project, but is impressed with the architecture envisioned for the orthodontic building. She would like to see the building front Pennsylvania, but doesn't see that as being feasible. She is in favor of the project, but noted the "4-4" split in Commission sentiment.

Planning Manager Purvis indicated that Staff would revisit the monument sign specifications, and discussion took place relative to adding conditional language about it to the motion to approve. Commissioner Heming-Littwin, seconded by Commissioner Fanella moved for the following:

After conducting a public hearing and deliberating on the requests of the petitioner, RWE Design Build, for approval of a Special Use for a Preliminary and Final Planned Unit Development Plan with Zoning Deviations, a Sign Variation, and the Exterior Appearance, all to allow the construction of a two-story orthodontics office at 414 Pennsylvania Avenue in the C5B Central Service Subdistrict, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on January 14, 2021, which are hereby incorporated into the Motion by reference as though fully set forth herein, and a copy of which will be attached to the minutes of this meeting and kept on file as part of the permanent records of the Village. The Plan Commission makes this recommendation of approval with the following conditions:

1. That the project be constructed in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees;
2. That it is the obligation of the owner of the development to install, maintain and replace all landscape materials in accordance with the approved landscape plan; and
3. That if any rooftop mechanical units are visible from the public right-of-way or adjacent properties, that such mechanical equipment shall be appropriately screened from view. Screening material shall be submitted to the Community Development Department for review and approval prior to installation.
4. A review of the monument sign should occur to ensure proper sight lines and proper sizing prior to the Village Board meeting.

The motion failed to pass by roll call vote, with four (4) yes votes and four (4) no vote as follows: Plan Commissioners Heming-Littwin, Fanella and Vondruska and Chairperson Loch voted "yes;" Commissioners Berry, Mulherin, Rodemann and Saeed voted "no."

Trustee's Report

In preparation for Board review of the evening's proposed PUD, Trustee Enright promised to read the letters of public comment pertinent to the project that were provided to the Plan Commission. He said the Board is currently operating with six members, led by President Pro-tem Craig Pride, and that funding was approved for the walkway between the new parking garage and Main Street.

Chairman's Report

Chairperson Loch had no report.

Staff Report

Planning Manager Purvis announced three items to be on the Plan Commission's January 28, 2021 agenda: the Food Pantry, the conversion of the 454 Duane property back to residential use (from commercial), and an amendment for a deviation to the Apex 400 PUD for HVAC and rooftop equipment. A third hearing on the Draft Comprehensive Plan is scheduled for February 25th.

Other Business

None.

Adjournment

Commissioner Berry moved to adjourn the meeting; seconded by Commissioner Heming-Littwin, the motion carried with eight (8) yes votes and zero (0) no votes as follows: Plan Commissioners Berry, Heming-Littwin, Fanella, Mulherin, Rodemann, Saeed and Vondruska, and Chairperson Loch voted "yes." Chairperson Loch concluded the meeting at 8:58 p.m.

Respectfully submitted,

Barbara Dutton

Recording Secretary

Reviewed by Planning Manager, Kelly Purvis, AICP