

MINUTES
REGULAR PLAN COMMISSION MEETING
June 25, 2020

Call to Order and Roll Call

The meeting was called to order at 7:02 p.m. by Chairperson Mary Loch, who described the Commission's charge, advisory in nature, and listed the various methods used to notify the public of the meeting, a public hearing procedure, and allow for feedback from the public. She also outlined the evening's meeting procedures, explaining that due to COVID-19 concerns the meeting was being conducted remotely using Zoom platform technology.

Chairperson Loch introduced the following Village Staff participating in the meeting: Community Development Director Staci Springer, Planners Katie Ashbaugh and Kelly Purvis, Associate Planner Cole Jackson, Recording Secretary Barbara Dutton, and Board liaison to the Plan Commission Village Trustee Bill Enright.

In addition to Chairperson Loch, Plan Commissioners Lloyd Berry, Laura Broman Brown, Angela Fanella, Tracy Heming-Littwin, John Mulherin, David Rodemann, Mohammed Saeed and Jamie Vondruska were present.

Adoption of Emergency Allowance of Remote Participation by the Plan Commission

A motion to allow remote participation in the meeting carried unanimously by a roll call vote.

Public Comment Non-Agenda Items

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

Approval of May 28, 2020 Plan Commission Meeting Minutes

Commissioner Heming-Littwin moved to approve the draft minutes of the May 28, 2020 Regular Plan Commission meeting; seconded by Commissioner Berry, the motion carried with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Berry, Mulherin, Fanella, Saeed, Broman Brown, Rodemann and Vondruska, and Chairperson Loch, voted "yes." Motion carried.

Public Hearing – 599 Roosevelt Road – Jewel Osco – Special Use Permit for Outside Storage of Merchandise

A motion to open the Public Hearing concerning Special Use Permit for Outside Storage of Merchandise at Jewel Osco, 599 Roosevelt Road was made by Commissioner Fanella, and seconded by Commissioner Saeed. The motion carried with a roll call vote of nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Berry, Mulherin, Broman Brown, Rodemann, Vondruska, and Chairperson Loch, voted "yes." Motion carried.

Staff Introduction

After being sworn in, Associate Planner Jackson, 535 Duane Street, Glen Ellyn, provided an overview of the request for an amendment to the special use permit granted by Ordinance 5347 to allow outdoor

sales and storage at the Jewel Osco at 599 Roosevelt Road. Displaying photo and map imagery, Planner Jackson gave a rundown of the uses in the area of the subject property: To the south are residential; and to the east, a small office district. Site plans delineated Park and Roosevelt entries to it, current outdoor storage and display, and proposed space for seasonal outdoor displays between April and July and September to December. Items are expected to include plants, produce, firewood, and holiday decorations. Because some of the proposed spaces are in front storefront windows, staff, said Jackson, is recommending any approval be on condition that displays not exceed 3 feet in height, as per request by the Police Department for safety.

Petitioner's Presentation

Sworn in were Petitioner representatives Johanna Chacon and Spiro Piperi, both of 599 Roosevelt Road, Glen Ellyn, Ill., Jewel Osco. Petitioner representative Chacon thanked Village staff for their help, and explained that the store would like to offer customers greater variety, and so is seeking to expand product display space in front of the store. She cited watermelons, pumpkins, wreaths, charcoal displays as examples, as well as said the grocery envisions placing for shopper consideration planters in front of windows in an aesthetic manner. Petitioner Piperi restated the goal to have greater variety of product for customers, and an eye-appealing presentation of wares. Chacon said displays would remain overnight and be moved around as supplies deplete.

Commissioner Questions

Commissioner Rodemann asked if the displays in front of the windows would be on palettes that look temporary. Mr. Piperi said these displays would not be palettes, but a temporary display fixture – most likely of seasonal plants – moved when products are sold. Watermelons, he said, would be on display only for a short time. Chairperson Loch asked if the proposed display were devised as a solution to better manage lines of customers under Covid19 conditions. Ms. Chacon responded that displays were planned to allow adequate space for shoppers with carts and should not present an issue relative to Covid19 protocols.

Commissioner Saeed asked if fencing would be placed around displays for late-night hours. Ms. Chacon said no plans were in place for such. Commissioner Heming-Littwin asked how deep the proposed displays by the windows would be and about the sidewalk depth. Ms. Chacon responded 2 ½ feet and 6 ½ feet respectively, but said that columns currently in place between windows already disrupt the sidewalk space.

Public Comment

There was no public comment.

Commissioner Saeed moved to close the Public Hearing; seconded by Commissioner Heming-Littwin, the motion carried by roll call with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Saeed and Heming-Littwin, Chairperson Loch, and Commissioners Berry, Brown, Fanella, Mulherin Rodemann and Vondruska voted “yes.”

Commissioner Discussion

Commissioner Mulherin supports amending the special use permit, believing there is plenty of space for the proposed display plan at the grocery store. He added that, for the most part, drivers in the lot are considerate, and that encourage businesses to do well is in everybody's best interest.

Commissioner Heming-Littwin, who thinks it's common to have such displays and so is fine with the request, proceeded to move for the following:

After conducting a public hearing and deliberating on the request of Johanna Chacon, representing Jewel Osco for the property at 599 Roosevelt Road for approval of an amendment to a Special Use Permit to allow additional outdoor storage on the site, the Plan Commission hereby makes the following findings of fact:

1. The proposed use will be harmonious and in accordance with the general objectives, or specific objectives of the Comprehensive Plan and/or Zoning Code.
2. The proposed project is designed and shall be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses of the property.
4. The proposed use will be served adequately by existing public facilities and services.
5. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
6. The use will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare.
7. The project will have vehicular approaches to the property which shall be so designed as not to create an undue interference with traffic.
8. The project will not increase the potential for flood damage to adjacent property
9. The project will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.

Therefore, the Plan Commission recommends that the Village Board approve an amendment to the Special Use Permit granted by Ordinance No. 5347 in accordance with Section 10-10-14(E) of the Glen Ellyn Zoning Code to allow additional outdoor storage at 599 Roosevelt Road subject to the following conditions:

- A. That the outdoor storage/display areas substantially conform with the site plan and testimony presented at the Plan Commission public hearing on June 25, 2020; and
- B. That the outdoor storage/display areas in front of windows shall not exceed three feet in height.

Seconded by Commissioner Mulherin, the motion carried by roll call with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin and Mulherin, and Chairperson Loch and Commissioners Berry, Brown, Fanella, Rodemann, Saeed and Vondruska voted “yes.”

Public Hearing – 2S780 IL-53 & 22W151 Butterfield Road – BP Wash-N-Go & Commercial Drive-Thru – Minor Subdivision with Variations (Extraterritorial)

A motion to open the Public Hearing concerning a Minor Subdivision with Variations relative to 2S780 IL-53 & 22W151 Butterfield Road – BP Wash-N-Go & Commercial Drive-Thru, was made by Commissioner Heming-Littwin, and seconded by Commissioner Saeed. The motion carried by a roll call vote with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin and Saeed, Chairperson Loch, Commissioners Berry, Broman Brown, Fanella, Mulherin, Rodemann and Vondruska voted “yes.”

Staff Introduction

Planner Katie Ashbaugh, Village of Glen Ellyn, 535 Duane Street, Glen Ellyn, was sworn in, and introduced the subject of the hearing: a minor plat of subdivision and required variances to the Subdivision Code in relation to the redevelopment of the southwest corner of State Route 53 and Butterfield Road, more commonly known as the BP Wash-n-Go. She noted an unoccupied Chase bank facility to the west of the BP Wash-n-Go, and reviewed the means of notice of this public hearing: publication in the *Daily Herald* on June 9, 2020, mailing to property owners within 350 feet of the subject properties, and a placard placed between the subject two properties.

Planner Ashbaugh stated that the subdivision—in unincorporated DuPage County – is “extraterritorial,” being within 1 ½ miles of Glen Ellyn’s corporate boundaries, but not within the Village’s zoning jurisdiction. She continued that the State, however, has granted the Village the authority to apply subdivision regulations, if the Village elects to do so, which it has.

Planner Ashbaugh provided the development history of the project, which included that the DuPage County Board, which has final zoning authority over redevelopment of the property, approved a planned unit development with five zoning deviations, a conditional use for a new gas station, convenience store and car wash to redevelop the existing BP, and a conditional use for a drive-thru, quick-service restaurant on January 28, 2020. She continued that on May 8, 2020, the DuPage County Plat Committee also approved the plat of subdivision that the Plan Commission was now reviewing this evening. She continued that now the plat, termed a minor plat subdivision in the Glen Ellyn Subdivision Code, is before the Plan Commission and that the final determination will be made on July 27, 2020, meeting of the Village Board in addition to the hearing for the annexation agreement.

The following variances being sought by the Petitioner are as follows:

- To not install sidewalks along Butterfield Road and State Route IL 53;
- To not install a multiuse path along Butterfield Road and State Route IL 53;
- To not install parkway trees along Butterfield Road and State Route IL 53; and
- To not bury existing overhead utility lines.

Planner Ashbaugh described the surrounding conditions of the subject property, which includes a Walmart store to the south; Hidden Lake Forest Preserve across Route 53 to the east, and townhomes to the north. She continued to describe the existing conditions of the current BP site, including its four curb cuts from roadway and the adjacent Chase site has a private-access drive not directly accessible from a roadway. She also stated the site's current zoning designation in the county is B1. She described the surrounding properties' zoning designations as follows: residential zoning (R3) is to the north; the Forest Preserve to the east is R1 zoning designation in the Village of Downers Grove. She added that the development also incorporates a small 0.15 acre parcel under contract for purchase.

Planner Ashbaugh briefly described the proposed redevelopment as approved by DuPage County and the two access points, being a right-in right-out on Butterfield Road and a second right-in right-out on State Route 53.

Commissioner Rodemann inquired if a canopy, as appeared in a rendering (evidently over vacuum stations), was to be included as it wasn't noted on the site plan. Planner Ashbaugh said she'd defer to the Petitioner on a response. Commissioner Rodemann speculated that storm water management would be worked out at the County level.

Planner Ashbaugh pointed out that the landscape plan calls for installation of trees along the north and east property lines on the subject site on the private property, noting that IDOT does not permit them in either right-of-way. She stated that the Plan Commission may recommend approval, approval with conditions, or denial of the minor subdivision, and may recommend a combination of variances or none. The petitioner, she said, has provided details of hardships relative to the variances requested.

Commissioner Fanella asked for confirmation that the variance requests were because IDOT directives would not allow the petitioner to fulfill the Village's subdivision code requirements. Planner Ashbaugh stated this was correct, but pointed out that some design constraints were related to utility placement and that the sidewalk and multi-use path replacement carried a drainage concern.

Petitioner's Presentation

Sworn in and representing FMI Properties, LLC, was Petitioner Mark Gil, 2429 Old Tavern Road, Lisle; and project engineer Steve Shanholtzer, Manhard Consulting, 700 Springer Drive, Lombard, Ill. Mr. Gil, who is managing partner of FMI Properties, LLC, the developer, said he owns the BP station and has a history in and close ties to the community. He said that the planning process for the development proposed has been transparent and has invited community input, yielding substantial support.

He confirmed that since the DuPage County Board approved the site plan that IDOT has required a right-in/right-out Route 53 access, and noted that left-turns will be prevented by a curb on the road because of a median. He said the site plan delineates 10 vacuum stations, but that charging stations are being explored. Regarding storm water and impervious surfaces, Mr. Gil said the current site has 57 percent impervious, but after redevelopment will be 58 percent, going up by some 2,000SF, which is beneath County's threshold, will not require retention.

Mr. Gil continued to provide the status of the redevelopment, stating that the former Chase building is set for demolition and conversion to a quick-service restaurant with a drive-thru, in the form of a

2,200SF structure for a tenant. He said the stacking will accommodate 19 cars, so they will not back up on to Butterfield Road. He said that's about double the traffic the tenant typically sees at their restaurants in terms of stacking. He added that an outdoor seating area and bicycle racks will be featured.

Mr. Gil said the current gas station will be demolished and replaced with a convenience store-gas station facility supporting 12 fueling positions. Mr. Gil said that the approximately 3,800SF convenience store will prominently feature foodservice, and have an 800SF outdoor seating area. He continued that the carwash will have a dual-lane approach, and could conceivably contain water-reuse applications.

Mr. Gil said that the proposed right-in/right-out on Butterfield will be placed at point from the intersection to create a distance that pleases IDOT, which is requiring a deceleration lane on Butterfield Road. He touted the gas station's tradition of thoughtful landscaping, outlining the landscape plan for the new development, to feature an array of trees, shrubs, ornamental grasses, perennials and vines.

Commissioner Questions

Commissioner Mulherin asked about plans for mitigating rain runoff, and potential underground leakage from tanks, noting the site to be in a high-risk aquifer location. Mr. Gil explained that currently in the ground are single-wall steel tanks that have associated protection, though acknowledged that the technology is old. He said that new tanks will be double-walled, have sensors to alert of breaches, and that there will be a containment mechanism under fuel dispensers to capture leakage. Mr. Shanholtzer also addressed the water runoff query, stated that the site primarily drains to Route 53, and indicated that a storm sewer system will collect contact storm water on the new parking facility. He added that a manufactured storm water treatment device adjacent to the fueling area will treat storm water before it is discharged into the IDOT storm sewer, capturing the "first flush" in the event of a spill or fuel getting washed into the storm sewer.

Commissioner Heming-Littwin asked if the new facility would still accommodate signs such as those bearing birthday wishes. Mr. Gil expects that practice will remain.

Commissioner Saeed asked if the petitioner had discussed with IDOT permission to bury utility cables. Mr. Shanholtzer indicated that FMI is working with IDOT on planning improvements, and also pointed out that overhead wires lie along both roads, which he asserts, make the utility companies not inclined to want to bury a section of infrastructure. Mr. Gil said that a challenge in coordinating plans with IDOT, as road-widening plans are in the offing. The expectation of a "taking" to accommodate new left-turn lanes, he said, is the reason FMI is asking for a variance on widening. He mentioned restricted space as a factor as a barring underground lines.

Commissioner Brown asked Mr. Gil how bikes would enter the property to go to the restaurant and convenience store. Mr. Gil stated he is aware of plans for a bike path, which he hopes will reach feature a bridge over Butterfield Road. He noted a planned pathway into the nearby preserve, and hopes a way can be found to accommodate safe access to the subject site from across Route 53. He believes that at present the safest crossing is at the Butterfield Road intersection, where push-button signals will facilitate crossing from Hidden Lake.

Commissioner Rodemann asked whether sidewalks were not going to be installed due to IDOT prohibition. Mr. Gil stated that IDOT is not putting anything on his side of the street. Commissioner Rodemann asked how many employees were to be onsite at a time, noting site planned components as it relates to parking, and expressing a concern that the plan was “under parked.” Mr. Gil responded average two in the store and two at the car wash, but that it could be higher during peak season. He added that FMI was granted a five-space variance from the County on parking spaces for the restaurant, as the drive-thru is projected to make up 60 percent of traffic.

Commissioner Berry asked if the restaurant tenant is subject to approval of the various groups involved. Mr. Gil said he has a signed letter of intent, and a yet-to-be-signed lease that it is not contingent upon these proceedings.

Public Comment

Planner Ashbaugh read the following letter, received in advance of the meeting, into the record:

Kevin Stough, Land Preservation Manager, Forest Preserve District of DuPage County, 35580 Naperville Road, Wheaton, IL: “Dear Ms. Loch, The Forest Preserve District of DuPage County recently received a Notice of Public Hearing regarding FMI Properties, LLC’s request for approval of a Minor Subdivision and multiple variances as it relates to the properties located at 25780 State Rt. 53 and 22W151 Butterfield Rd. We appreciate receiving timely notification of such requests that may have an impact on District property and thank you for the opportunity to comment.

District Staff has reviewed the information provided and does not have any comments.”

Commissioner Heming-Littwin moved to close the Public Hearing; seconded by Commissioner Fanella, the motion carried by roll call vote with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin and Fanella, Chairperson Loch, and Plan Commissioners Berry, Brown, Mulherin, Rodemann, Saeed and Vondruska voted “yes.”

Commissioner Comments

Commissioner Fanella expressed that, based on the testimony provided and the requirements of IDOT, she approves of the plan as presented.

Commissioner Berry opined that the proposed project represents significant improvement to that corner.

Commissioner Rodemann said he is in full support of the plan, which he called “well-thought out.” He said his only concern – being aware of flooding that has occurred in the area – is the storm water aspect, but he is comfortable knowing that this will go through a process of review.

Commissioner Mulherin said he “totally” supports the proposal, seeing it as being a vast improvement of the site, which he looks forward to seeing.

Commissioner Vondruska concurred that the concept presents a “big improvement,” and doesn’t see any major issues with the plan, and it is nice to see significant improvements being made to the corner.

Commissioner Heming-Littwin moved, seconded by Commissioner Saeed, to recommend approval of a Minor Subdivision Plat with variances at 2S780 State Route 53 & 22W151 Butterfield Road (BP Wash N Go Redevelopment), declaring the following:

After conducting a public hearing and deliberating on the request of Mark Gil, representing FMI Properties, LLC, for the properties at 2S780 State Route 53 & 22W151 Butterfield Road to be subdivided as depicted on the plat presented and available for public review and so as to construct the development as depicted on the plans presented and available for public review, the Plan Commission hereby makes the following findings of fact:

In regard to the request for approval of a Minor Subdivision Plat in accordance with in accordance with Section 11-3-7 of the Glen Ellyn Subdivision Regulation Code, the Plan Commission finds that

1. The applicable statutory provisions are met;
2. Although the Village of Glen Ellyn Zoning Code does not apply as the properties are within unincorporated DuPage County, the proposed two lots resulting from this Minor Subdivision Plat do meet the minimum lot size requirements of the planned future zoning district designation of C3 Service Commercial within the Village;
3. All other applicable laws of the appropriate jurisdictions are met or will be met as required by the DuPage County Building & Zoning Department;
4. The purpose and intent of the Village of Glen Ellyn 2001 Comprehensive Plan and most recently adopted capital improvement plans are met;
5. The special requirements of the regulations and any rules of the county health department and/or appropriate state agencies are met or will be;
6. The rules of the Illinois Department of Transportation are met;
7. The DuPage County Countywide Storm Sewer and Floodplain Ordinance as adopted, amended or varied by the Village; and
8. The Village of Glen Ellyn standard for construction of public improvements, except those for which the petitioner is requesting the following variations from the Subdivision Code, are met; and

In regard to the request for approval of the following Variances from the Glen Ellyn Subdivision Regulations Code in accordance with Section 11-3-11 of the Glen Ellyn Subdivision Regulations Code, the Plan Commission further finds that:

1. Subsections 11-4-7(A) and (B) do not require the installation of sidewalks with a minimum width of 5 feet along both sides of the right-of-way adjacent to the subject property;
2. Subsection 11-4-7(D) to not require the installation of a multi-use path with a minimum width of 10 feet in the right-of-way adjacent to the subject properties, per the 2014 DuPage County Regional Bikeway Map;
3. Subsection 11-4-8(A) to not require the burial of communication and electric facilities in the right-of-ways adjacent to the subject property; and
4. Subsection 11-4-9(C) to not require the installation of parkway trees in the rights-of-way adjacent to the subject properties.

Therefore, having considered the petition of Mark Gil of FMI Properties, LLC, owner of the properties at 2S780 State Route 53 & 22W151 Butterfield Road, to request said properties to be subdivided as depicted on the plat presented and available for public review so as to construct the development as depicted on the plans presented and available for public review, the Plan Commission recommends that the plat, plans and the presentation which included the findings associated with the Minor Plat of Subdivision and the requested Variances from the Subdivision Code have been satisfied and therefore recommends that the Village Board approve the Minor Plat of Subdivision and related Variances as requested.

The motion carried by roll call vote with nine (9) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin and Saeed, Chairperson Loch, and Commissioners Berry, Brown, Fanella, Mulherin, Rodemann and Vondruska voted “yes.” Motion carried.

Trustee’s Report

Village Board Trustee Bill Enright began his remarks by saying that the proposed project discussed immediately prior sounds like it will be “a cool gas station” if it all goes through. He reported that the Village Board had voted to make Glen Ellyn “100-percent green” with its electricity purchases, so will continue with a green program. The Board, he said, also voted to ask the Forest Preserve District to allow the American Legion to use the McKee House at Churchill Woods for meetings and to give the Legion time to raise rehab funds, and is waiting to hear back from the Forest Preserve District on this.

Chairman’s Report

Chairperson Loch thanked Staff for facilitating this remotely conducted meeting.

Staff Report

Planner Purvis announced a project coming forward for a townhome development at 403-07 Duane Street. Anticipated to be the subject of a July 9th public hearing, she said the Plan Commission will be asked to consider zoning variations and exterior appearance approval. She also mentioned the prospect of a small cell text amendment and other amendments, and expects a heavy autumn schedule.

Planner Ashbaugh reported that applications have been filed for formal approval of the Planned Unit Development with zoning deviations and exterior appearance in connection with apartment complex proposed for the McChesney site. She said staff is hoping for continued updates to the architectural design and is seeking professional feedback, which will hopefully get incorporated before an autumn hearing. Director Springer reported that the Village Board reviewed the project and numbers related to the TIF request and overall were supportive of a TIF incentive subject to approval of the project.

Director Springer also described the work and composition of the “Architectural Appearance Group,” a volunteer body of professionals formed to offer suggestions for project designs, and which provided input to the aforementioned Duane Street townhome concept. Lastly, she stated that under Phase 4 of the Governor’s reopening plan, Village offices would reopen to the public on Monday, June 29th.

Other Business

None.

Adjournment

Following a motion by Commissioner Fanella to adjourn second by Commissioner Saeed, after a voice vote, Chairperson Loch concluded the meeting at 8:49 p.m.

Respectfully submitted,

Barbara Dutton
Recording Secretary

Reviewed by,

Katie Ashbaugh, AICP
Planner, and

Cole Jackson
Associate Planner