

MINUTES
REGULAR PLAN COMMISSION MEETING
February 10, 2022

Call to Order and Roll Call

Explaining the proceedings format for the meeting held remotely due to the disaster declaration associated with Covid-19, Chairperson Tim Loftus called the meeting to order at 7:01 p.m. He explained the Plan Commission's function and operations, and reviewed public hearing procedures, including protocols for public comments, which, he said, would be recorded. He introduced Village Board Trustee Liaison Steve Thompson, Village Planning Manager Kelly Purvis, Planner Atrian Fard, Associate Planner Taylor Gendel and Recording Secretary Barbara Dutton-Thomas, and later noted the presence of Community Development Director Staci Springer.

Roll was called. Besides the Chairperson, Commissioners Berry, Fanella, Cooper, Saeed and Vondruska were present. Commissioners Brown and Halkyard were absent.

Motion to Conduct Public Hearing Remotely

A motion to conduct the Public Hearing remotely was made by Commissioner Cooper and seconded by Commissioner Vondruska. The motion carried unanimously by roll call vote.

Public Comment Non-Agenda Items

None.

Chairperson Loftus announced that the pre-app for 534 Duane Street (Compass Realty) was dropped from the evening's agenda. Ms. Purvis said the item has been rescheduled for the March 10th meeting.

Approval of January 13, 2022 Draft Minutes

A motion to approve the draft minutes of the January 13, 2022 meeting was made by Commissioner Berry; seconded by Commissioner Cooper, the motion passed unanimously by roll call vote.

Public Hearing – 339 Roosevelt Road – BP Trio

A motion made by Commissioner Vondruska and seconded by Commissioner Saeed to open the Public Hearing carried unanimously by roll call vote.

Staff Introduction

Sworn in, Taylor Gendel, Village Associate Planner, 535 Duane, stated that Missy Quirke and Brian D. Wente of Graham Enterprise Inc. are petitioning on behalf of Glen Ellyn BP Trio for a Special Use Permit for the site located at 339 Roosevelt Road to allow outdoor seasonal storage on the site, including two ice merchandisers, firewood, and windshield wiper fluid. These products, she continued, will be offered year-round and will be maintained daily and restocked regularly. The subject property, explained Ms. Gendel, is located on the south side of Roosevelt Road, east of Lambert Road in the C3 Commercial District. Surrounding land uses to the north, east and west are C3 Commercial, she said, adding that to the south is a conservation/recreation district (Village Links).

Firewood, she explained, is to be displayed to the east of the store entrance alongside the two ice merchandisers. The designated areas for the windshield wiper fluid are between the four canopy columns adjacent to the gas pumps.

The two outdoor ice merchandisers located to the east of the store entrance have a total length of 13 feet and width of 36 inches, stated Ms. Gendel, adding that there are 37 inches from the edge of the sidewalk to the face of the ice merchandisers. The firewood display located to the east of the store entrance has a total length of 16 feet and a width of 14 inches, she continued, adding that there are 63.5 inches from the edge of the sidewalk to the face of the firewood. The ADA accessible parking stall is located to the west of the display areas, so the displays will not interfere with the accessible route into the building, she stated. There are no permanent improvements being proposed on the site, she said. The windshield washer fluid merchandise stations each have a total length of 4 feet and a width of 2 feet, explained Ms. Gendel, saying there are nine total stations. A suggested condition is that no part of the display shall cover the emergency shut-off for the gas pumps, stated Ms. Gendel, who outlined other suggested conditions of approval, as well.

Regarding the condition to make sure the emergency shut-off remains accessible, Chairperson Loftus asked if there is any Code-specified dimension for front access to a device like that. Planning Manager Purvis replied that she asked Village Building & Zoning Official Steve Witt about the Knox Box situation (but not specifically the emergency shut-off for the gas pumps), and he said there's no code provision, but that it's best that those things are clear. (Chairperson Loftus noted reading "accessible" in the Fire Code.) Noting that the plan now is for firewood, ice and windshield washer solvent as items, Mr. Loftus asked if the Petitioner wants to change merchandise, whether they would have to come back to the Plan Commission for approval. Ms. Purvis responded that the Petitioner could change out merchandise within reason, that is if it will be in the same type of container and placed in the same location.

Petitioner's Presentation

Sworn in, Brian Wente, 750 Bunker Court, Vernon Hills, Ill., said that, as he noted a favorable recommendation, he didn't intend to make a large presentation but would entertain questions. He continued by addressing questions voiced: Regarding the emergency stop location accessibility, he stated that, while there's not a defined space as to what that accessible area looks like, it is in the Code and it needs to be accessible. Concerning restrictions on other products/future offerings, he said, he's comfortable with what is written and that the Petitioner doesn't anticipate any changes (quipping that the color of windshield washer fluid might change from blue to green). He stated, for example, that the operation would not offer mulch. Chairperson Loftus asked if the Petitioner has any corporate guideline on the access that the Petitioner needs to maintain. Mr. Wente said there is no corporate standard, but that the Petitioner goes by the EPA and the Illinois State Fire Marshall's Office which, he said, are usually looking for more requirements inside. He added that customer service representative access is the most important piece these governing bodies assess, but that outside on the front of the building is not.

A motion made by Commissioner Vondruska and seconded by Commissioner Fanella to close the Public Hearing passed unanimously by roll call vote.

Commissioner Vondruska moved for the following:

After conducting a public hearing and deliberating on the request of the petitioner, Missy Quirke of Graham Enterprise, Inc., for approval of a Special Use Permit to allow outdoor sales and storage of merchandise at 339 Roosevelt Road (BP Trio) in the C3 Commercial District, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on February 10, 2022, 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 site remain in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees;
2. That the outdoor sale and storage of merchandise shall be limited to the locations outlined on the petitioner's site plan.
3. That the outdoor display of firewood shall be limited to a maximum height of 40 inches, as outlined in the petitioner's narrative statement.
4. That no part of the displays shall cover the emergency shutoff for the gas pumps. The emergency shutoff should always remain accessible.

Seconded by Commissioner Saeed, the motion passed unanimously by roll call vote.

Public Hearing – 880 Roosevelt Road – Pete's Market

A motion made by Commissioner Vondruska and seconded by Commissioner Saeed to open the Public Hearing passed unanimously by roll call vote.

Staff Introduction

Sworn in, Atrian Fard, Village Planner, 535 Duane St., stated that the petitioner is Pete's Market, tenant in the building located at 880 Roosevelt Road and represented by Nick Liarikos. The Petitioner, she stated, is requesting approval of an amendment to the Planned Unit Development (PUD) Plan for the Baker Hill shopping center approved on June 4, 2018 by the adoption of Ordinance No. 6605, an amendment to the PUD Plan that was originally approved on March 3, 1997 by Ordinance No. 4467. The proposed amendment would allow outdoor sales and storage in front of the Pete's Market grocery store, continued Ms. Fard, who described the subject site: It is in the Baker Hill shopping center on the north side of Roosevelt Road, east of Baker Hill Drive; the site is approximately one-quarter mile west of Interstate 355, and is in the C6 Commercial/Multiuse Planned Development District. C6 zoning is to the north, east and west; with C4 commercial and R3 residential to the south.

There have been a variety of Ordinances passed for the Baker Hill Shopping Center, related Planner Fard. The most relevant Ordinances pertaining to the proposal are Ordinance No. 4467 and Ordinance No. 6605, she said. Ordinance No. 4467 was adopted in 1997 and granted Preliminary PUD Plan approval for Dominick's grocery store, which occupied the space until 2013. Ordinance No. 6605 adopted in 2018, approved an amendment to Ordinance No. 4467 PUD plans to accommodate the remodeling and

expansion of the tenant space, previously occupied by Dominick's, for the Pete's Market grocery store. The passage of Ordinance No. 6605 was subject to a few conditions, one of which prohibited outdoor sales or storage of merchandise at Pete's Market until a Special Use Permit is granted.

In September 2021, related Ms. Fard, it came to Staff's attention that Pete's Market was utilizing a portion of the private sidewalk in front of the store for the outdoor display of merchandise. Village Staff, she explained, informed the Petitioner of safety concerns regarding the location of the storage area adjacent to the parking lot that also obstructed the sidewalk. In response, said Ms. Fard, Pete's Market staff moved the displays to maintain five-foot-wide clear area for pedestrian use. The Petitioner also notified the Village that they intend to file for a Special Use Permit to maintain outdoor displays on the site, she noted. While Ordinance No. 6605 explicitly identifies the granting of a Special Use Permit as the required path to allow outdoor sales and storage at the subject site, continued Ms. Fard, the Zoning Code permits outdoor storage and merchandise in C6 Zoning District by right, which is subject to the review and approval of the development plan. With the use being permitted by right in the C6 District, she stated, Pete's Market is now seeking approval to amend the Preliminary PUD Plan approved by Ordinance No. 6605 for the allowance of outdoor merchandise and storage.

The proposed display area, explained Ms. Fard, will be on the private sidewalk, between front entrances, on the south of the Pete's Market building. The display area will measure 75 feet long by 7 feet wide and will be set back approximately 5.5 feet from the curb to allow for a clear walking path and handicapped access, she said. According to the Petitioner, said Ms. Fard, the height of the displays will vary from 3.75 feet to 4.66 feet, based on the daily sales fluctuations and the quantity of merchandise to be displayed. The Petitioner has confirmed that the displays will not cover any part of the front windows, stated Planner Fard, who added that the outdoor merchandise may include seasonal plants and produce such as charcoal bags in the summer, pumpkins in the fall, firewood in the winter. There are no permanent improvements being proposed on the site, she noted, and outlined Plan Commission action sought.

Chairperson Loftus requested clarification of the area of display, saying he perceived a discrepancy between plan and elevation drawings. Planner Fard said it's the 70-ft. wide area between the "bump-outs" on the building. Chairperson Loftus suggested that the Petitioner could explain the intention.

Petitioner's Presentation

Sworn in Nick Liarikos, 4333 S. Pulaski Rd., Chicago, Ill., confirmed the discrepancy pointed out by Chairperson Loftus, and said the area denoted in blue represents the true dimensions. He stated that items displayed will be along the entire wall, and said that he can get the drawing edited to be correct.

Noting that, as of this morning at the site, windshield washer fluid was "piled up" in front of the Knox box, Chairperson Loftus asked who is responsible for maintaining and policing the area in which the Petitioner is seeking to place merchandise. Mr. Liarikos said the general manager and other store managers are responsible for keeping the area in check. He indicated that they should be aware that it's necessary to keep that space open, but he can let them know of Mr. Loftus' concern. Calling the placement of rock salt and product beneath the Knox Box a safety hazard for the Fire Department, Mr.

Loftus stressed the need to limit product to the area delineated in blue in the elevation drawing. Mr. Liarikos promised to follow up with staff the next day.

Commissioner Cooper asked if, the Village grants this modification, the store would still have about a 5-foot distance between the edge of roadway and the usable sidewalk. Responding affirmatively, Mr. Liarikos stated that he would make sure the managers are aware that there needs to be a 5-foot space. Planner Fard interjected that the building chief said it is recommended that the Knox box be visible, and suggested adding a condition asking for 1.5-ft. clear space around the Knox box. Responding to a query from Commissioner Vondruska as to how to proceed with a motion given the drawing inaccuracy, Planning Manager Purvis Commissioner said Staff will “ensure this is all tightened up for the Village Board, and suggested language stating “in accordance with approved elevation and site plan as revised as discussed at the Plan Commission meeting.” Chairperson Loftus expressed confidence that appropriate documentation would provide sufficient assurance, while Commissioner Vondruska submitted that routine fire inspection would provide policing.

A motion made by Commissioner Vondruska and seconded by Commissioner Fanella to close the Public Hearing passed unanimously by roll call vote.

Commissioner Discussion

Indicating that he can support the Petitioner’s request, Chairperson Loftus reiterated the desire that “certain items don’t get blocked off.” Commissioner Berry asked what the policing body would be to ensure compliance, should the Commission agree to the proposed. Planning Manger Purvis replied that policing would be accomplished through Code enforcement as well as Staff monitoring. After Commissioner Saeed emphasized that the motion has to be modified in consideration of the change in the drawing, Commissioner Cooper moved for the following:

After conducting a public hearing and deliberating on the request of the petitioner, Pete’s Market, for approval of a PUD Amendment for 880 Roosevelt Road, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on February 10, 2022, 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 outdoor merchandise and storage shall remain in substantial conformance with the plans as amended as discussed at the Plan Commission this evening; the plans will be amended prior to being presented to the Village Board.
2. That the outdoor sale and storage of merchandise shall be limited to the location outlined on the petitioner’s site plan as amended and discussed during the open hearing.
3. That the outdoor displays shall be limited to the height outlined in the petitioner’s statement and as clarified at the open hearing.
4. That a 1.5-foot diameter clear space shall be maintained around the Knox box.

Seconded by Commissioner Saeed, the motion passed unanimously by roll call vote.

Trustee's Report

Steve Thompson said the Village Board approved the Harding-Glen Townhomes project, and that water billing changes are in the making. Uses for American Rescue Plan Act funds are being considered, he reported, and the Village's lead pipe infrastructure will be inventoried. To be discussed imminently, he said, is the process surrounding development of the hotel site property. With regard to the architectural review process, Mr. Thompson wondered if someone from the Plan Commission might be interested in serving on the reconstituted commission. Depending on whether he thought he could contribute something worthwhile, Commissioner Vondruska indicated that he might consider volunteering.

Chairman's Report

Chairperson Loftus said that three candidates were interviewed for the two open positions on the Commission, four names were submitted to President Senak, and feedback is awaited.

Staff Report

In response to a query from Commissioner Berry about the status of the (former) McChesney site, Planning Manager Purvis replied that construction is on schedule for a spring start. Ms. Purvis reported that the Official Zoning Map, a pre-app for the Butterfield Townhomes, and a sign variation for Parkview Church are slated for the February 24th meeting. The March 10th meeting, she said, is to feature the pre-app discussion (dropped from tonight's agenda) concerning 534 Duane Street, as well as a minor subdivision pre-app for 322 Taylor. She said she'd be issuing new (replacement) links for recurring Zoom meetings, and said she expects at least the next meeting, and possibly the one after that, to be held remotely.

Adjournment

Chairperson Loftus adjourned the meeting at 8:18 p.m., following passage by roll call vote of a motion to adjourn made by Commissioner Vondruska and seconded by Commissioner Fanella.

Respectfully submitted,

Barbara Dutton-Thomas
Recording Secretary

Reviewed by,
Planning Manager Purvis