MINUTES
Glen Ellyn Plan Commission
Thursday, May 4, 2023 at 7:00 p.m.
Glen Ellyn Civic Center
Galligan Board Room
535 Duane Street

A. Call to Order and Roll Call

Chairperson Loftus called the meeting to order at 7:02 PM and explained the Plan Commission's function and operating procedure as an advisory body. He described the public hearing protocol, including public comment, and announced that comments would be recorded.

Roll was called. In addition to Chairperson Loftus, Commissioners Arango, Brown, Cooper, Dawson, Saeed, and Wyant were present. Commissioners Kreuzer, Thakkar, and Student Commissioner Smith were absent.

B. Public Comment (non-agenda items)

There were no public comments for non-agenda items.

C. Approval of Minutes

There were no minutes for approval. April 27, 2023, minutes will be presented at the next scheduled meeting.

D. New Business

1.) Public Hearing — 490 Kenilworth Avenue: Frank Johnson Center

Commissioner Brown moved to open the Public Hearing. The motion was seconded by Commissioner Saeed, and the motion passed by voice vote.

Staff Introduction

Sworn in, Martin Scott, Community Development Director for the Village of Glen Ellyn, introduced the project.

Mr. Scott said the Glen Ellyn Park District is requesting approval of a Special Use Permit to construct a new Park District maintenance facility; the new construction would replace existing structures, which would be demolished. Mr. Scott said the Park District also requests approval of a Variation of the Zoning Code, to build a 6-foot fence closer to the street than the principal structure. He said this is more of a practical request, as it is an irregular site, and the northern area of the property is considered the "front yard" for zoning purposes.

Mr. Scott referred to the April 28, 2023, Staff Report included in the agenda packet, which he briefly outlined. He said the property is approximately two acres, located on the southeast corner of Anthony Street and Kenilworth Avenue. The proposed construction would be an approximately 13,000 square foot single-story building constructed of natural stacked stone and fiber cement (James Hardie) siding. Mr. Scott provided an overview of the proposed access, parking, trash enclosure, landscaping, signage, phasing, and stormwater plans. He said that specific project details can be found in the petitioner's application packet and would be presented by the Park District representatives. With regard to stormwater, Mr. Scott said that the Village Engineer has reviewed the submittal and preliminarily approved the plans. He reported that the project received unanimous approval by the Architectural Appearance Commission.

<u>Commissioner Questions</u>

Commissioner Brown requested clarification regarding the proposed construction start date, as the application packet stated May 15. Mr. Scott acknowledged that the start date would be delayed and said the Park District representatives would provide an update.

Commissioner Dawson asked if Park District representatives had a pre-approval meeting with Village staff. Mr. Scott confirmed this. Commissioner Dawson requested clarification about whether the Commission was considering Special Use approval as opposed to permitted use. Mr. Scott confirmed it is a Special Use Permit request.

Commissioner Dawson said that a number of required elements appeared to be missing from the agenda packet, such as ownership documentation and plat of survey. Mr. Scott confirmed that all of the required items have been submitted to the Village; he said that the agenda packet does not contain the entirety of submittal documents, as that could be burdensome to the commissioners.

<u>Petitioner Presentation: Nathan Trio, Glen Ellyn Park District</u>

Sworn in, Nathan Trio, Superintendent of Planning and Natural Resources at the Glen Ellyn Park District, described the history of the project. He said the Park District took over the property in 1974, and that it is now past its useful life as a viable maintenance facility. He said that a feasibility study was conducted, which considered options including relocating to another site, and renovating the existing building. He said it was concluded that it was most feasible to build a new facility on the existing site. Mr. Troia noted that there would be no expansion of staff or operations; the Park District would continue existing operations in the newly constructed facility. He said the Park District facilitated a public process, including public open houses and showings for adjacent neighbors; he noted that there was good turnout and support for the project.

Commissioner Questions

Commissioner Cooper referenced the code for Special Uses for CR Conservation/Recreation districts. He noted the Special Use for a "Public or private recreational facility where buildings do not occupy more than ten percent of the site area". He requested clarification about the specific Special Use the Park District is seeking. Mr. Troia deferred to the architectural team.

Commissioner Wyant asked about the Park District's feasibility study and opportunities to relocate the maintenance facility. He asked whether a maintenance facility is the best use for the property. Mr. Troia noted the Park District's limited properties and resource constraints for land swaps.

Commissioner Brown asked about the feasibility study and opportunities to renovate the existing building. She asked for clarification about why the existing building was considered unsalvageable. Mr. Troia deferred to the architectural team.

Commissioner Dawson asked about property ownership. Mr. Troia said the Park District took ownership of the property in the 1970s. Commissioner Dawson asked about the Special Use nature of the request. He said that under Special Use zoning there is a limitation for buildings to cover no more than 10% of the lot area. He noted the proposed building plan exceeds the 10% requirement. Mr. Dawson also asked about changes to the planned accessory structure. Mr. Troia deferred to the architectural team.

Petitioner Presentation: Mark Price, FGM Architects

Sworn in, Mark Price, Senior Associate at FGM Architects, presented. He described existing conditions as significantly deteriorated, including structural cracking and HVAC issues. Mr. Price described the project goals as a newly constructed building with an accessory structure for bin storage. He reviewed the proposed site plan, including fencing. Mr. Prices discussed project demolition plans, including demolition of an existing building, accessory structure, and parking surfaces. He discussed the grading plan, noting that the site is relatively flat, as well as the erosion control plan, the utility plan, and the tree preservation plan. He presented the proposed planting plan and discussed site improvements, including an existing driveway through the adjacent park that would be eliminated. Mr. Price described the proposed floor plan, including an office area, centralized maintenance/wash bay area, interior storage, and a small mezzanine. He reviewed the project elevation and photo renderings, noting that the proposed plan would screen the maintenance vehicles from Kenilworth Avenue; currently everything is visible from the street.

Commissioner Questions

Mr. Price responded to prior questions from Commissioners about the Special Use and confirmed that the proposed building would be larger than 10% of the lot area. Commissioner Cooper said that would require a Variance request.

Commissioner Cooper and Mr. Martin discussed their interpretations of code requirements for zoned CR properties, and the conditions for Special Use versus Variance requests.

Commissioner Brown asked for clarification of the use of the property, noting that the application states that the property use will not change. She asked about the wash bay and the kitchenette. Mr. Price said that the operations would not change, that in some cases the proposed plan would provide newly dedicated space for existing operations.

Commissioner Dawson asked for clarification of the square footage of the original buildings versus the proposed building. Mr. Troia said that the two existing structures — the current building and the outbuilding — are comparable in size to the new build. Commissioner Dawson said that a Variance request would need to be submitted regarding the 10% lot coverage rule under Special Use. Commissioner Dawson also referenced the Zoning Code requirements for nonconforming buildings, noting that the Zoning Code allows for ordinary repairs and alterations, but not for reconstruction or replacement of nonconforming buildings. He said a Variance request would also be needed for that. Mr. Price stated that the petitioner would be happy to submit needed Variance requests. Commissioner Dawson said that for several questions on the application, the Park District responds with a single answer of "Correct," and he asked whether Mr. Price could elaborate. Mr. Price said that they indicated agreement with the application statements by responding "Correct," and that he would be happy to provide additional detail if needed.

Chairperson Loftus asked about the size of the fuel tank and its location near an electrical transformer according to the plan; he asked about potential fire safety concerns. Mr. Price said that it is a roughly 100-gallon backup tank; its placement addressed vehicle movement patterns.

Sworn in, Aaron Bruder of CAGE Engineering, responded to questions about the location of the electrical transformer.

Commissioner Dawson asked about proposed surface plans, specifically whether proposed impervious surface square footage would be larger than existing impervious surface. Mr. Bruder confirmed that there would be more impervious surface area with the proposed plan.

Chairperson Loftus asked about the view of the proposed site from the perspective of neighbors on Anthony Street. He also discussed potential safety concerns about the adjacent playground and lack of barriers to the proposed driveway. Commissioner Arango requested clarification on whether the proposed driveway would be open to the playground, aside from planned shrubbery, and Mr. Troia confirmed this was the case with the proposed plan.

Chairperson Loftus requested clarification on the roofline height of the proposed material bin accessory structure and code compliance. Mr. Scott said that to his knowledge, there are not code restrictions with regard to accessory structure roofline heights for non-residential CR districts.

Commissioner Brown noted that the feasibility study was conducted in 2021; she asked whether the existing property has been continually maintained in the interim, or whether it has been allowed to fall into a state of disrepair. Mr. Troia reported that the Park District staff maintains the building to the best of their ability, but that it is not salvageable for the long-term.

Commissioner Arango asked whether the fuel tank could be relocated if it was a fire safety issue. Mr. Price said that the tank is not fixed and could potentially be moved. Mr. Bruder said that fire protection codes were reviewed, and that, generally, fire codes address large tanks, such as 6,000 gallons or more. He said the proposed tank at this site is about 110 gallons.

Commissioner Arango noted that the adjacent playground is geared toward young children and questioned why there was no proposed barrier to the facility's driveway. Mr. Price said that the proposed plan would accommodate visitor parking for the playground. Mr. Troia said that the proposed shrubbery could be extended to create a more effective barrier between the playground and the facility.

Commissioner Dawson asked whether the mezzanine would mean that the proposed building is no longer a single story. Mr. Price said he would confirm, but that typically a mezzanine is allowed in a single-story building within a certain square footage.

Chairperson Loftus asked for additional questions and said that the issue of Special Use and Variation of Special Use remained.

Commissioner Cooper said that his interpretation was that the existing building was nonconforming and could only be repaired, not reconstructed. Commissioner Cooper and Mr. Scott discussed their interpretations of the code regarding nonconforming buildings.

Commissioner Cooper said that for a Variance, there would need to be a finding of hardship.

<u>Public Comments</u>

Chairperson Loftus asked whether there were any emailed public comments. Mr. Scott read an emailed comment from Ursula Bryant, who wrote "Propose to have this center restored and turned into a Senior Center comparable to the Mary Ludko Center in Wheaton. It could be used for extended senior interests including bridge, mahjong etc."

Chairperson Loftus invited public participation. The following individuals, sworn in, made respective comments:

- Zak Wilson, 716 Crescent Blvd: Mr. Wilson said he'd like to see the new Johnson Center and noted that he went to pre-K in the area.
- Patrick Duffy, 236 Anthony St: Mr. Duffy said he's celebrating nine years in Glen Ellyn. He lives at the westernmost house on Anthony Street and has experienced significant water damage issues. He said he has worked with the Village for mitigation. He said he has spent $40,000, and he's concerned about how this project would affect the potential for water damage. Mr. Duffy said his concern is how water will flow after a big rain. He said the structure in place now isn't able to handle a 100-year rain, which recently occurred twice in one weekend. Mr. Duffy said he'd appreciate the architectural team's consideration of the issue. In response, Mr. Bruder confirmed that the site is a higher flood risk area and said that the project will meet water requirements. He said there is proposed onsite rainwater storage to offset any additional runoff; he said the project would redirect additional water, to the extent possible, to provide relief. Commissioner Dawson stated that the motion prepared by the Village contains a condition that if approved requires review and approval by the Village Stormwater Engineer.
- Mark Bushman, 260 Anthony St: Mr. Bushman requested clarification on proposed fencing to north and west of the property, where a bump-out was mentioned. In response, Mr. Price said that the area referenced is completely enclosed in fence.

A motion was made by Commissioner Dawson to close the Public Hearing; seconded by Commissioner Arango, the motion passed by voice vote.

<u>Commissioner Discussion</u>

Commissioner Dawson said that in order to vote yes, he would need amendments addressing items he raised to petitioners, including the 10% requirement and impervious surfaces. He said he would also like to see the nonconformance issue addressed, regarding whether there is a provision for reconstruction or replacement. He said as it stands, he would vote no.

Chairperson Loftus asked whether there were modifications to the draft motion that Commissioner Dawson would make. Commissioner Dawson said the proposed building looks non-residential and non-harmonious.

Chairperson Loftus said he was in favor of the project, with a couple of caveats and changes, including the needed barrier to the playground and a review of the fuel tank near the transformer. He said that for historic preservation, he generally prefers buildings to be rehabbed instead of demolished, but that the bigger picture is what a newer facility for a government entity could do to serve the common good of the Village residents. He recommended making comments to the Village Board about the aspects of the proposal that need to be changed but moving forward with the motion for approval. He said the Park District is operating in a 100-year-old building that needs a lot of help. He said he visited the site, and that a more modern facility would help staff better perform their jobs.

Commissioner Wyant said he was also in favor of the project. He said there are some screening issues, but that he didn't hear opposition from neighbors. He said from his fellow commissioners, he didn't hear opposition to a new facility, rather concern about details such as mis-categorization around code issues and barrier concerns. He said overall, he was in favor of the project.

Commissioner Saeed said he was in favor of the project, provided all of the objections could be addressed. He said his first thought was that the building should be upgraded, but that if it can't be improved. Mr. Saeed also questioned whether there were asbestos and mold issues. Commissioner Dawson added that the on review of Park District meetings would note that the Park District recognizes there is some asbestos present and that it will be abated in the correct manner.

Commissioner Brown said she was in agreement with Commissioner Dawson. She said the proposed building would be inharmonious with the neighborhood, and the existing building appears more residential. Commissioner Brown said she had concerns about the request and the public notice, questioning whether it was clear to neighbors that the existing buildings would be entirely demolished. She said that in the context of the Village's Comprehensive Plan, she would like to be cognizant of the neighbors and to ask: Is this the highest and best use for this location?

Chairperson Loftus said that land use questions would be up to the property's owner, the Park District, and that the Plan Commission isn't able to approve or deny based on what they would prefer the land to be used for; the commission should approach the request from a code standpoint. Commissioner Brown clarified that the commission could comment if something being built is inharmonious.

Commissioner Cooper said his concern was with following the correct language of the code. He said the project deficits were adequately pointed out in the hearing, and that the Park District demonstrated a willingness to address them. He said the technical aspect of the application could be a problem, though, and that there might not be the right notice, the right arguments, for the specific project.

Chairperson Loftus reminded Commissioners that they are an advisory body, and that the final decision is made by the Village Board. He recommended voting on the draft motion with the following additions: including proposed landscaping modifications to the northern boundary of the reconstruction; and a fire review of transformer and fuel tank.

Commissioner Wyant made the motion:

After conducting a public hearing and deliberating on the requests of the petitioner, Glen Ellyn Park District, to construct a new maintenance facility, associated outdoor storage, and site development located at 490 N. Kenilworth Avenue, the Plan Commission hereby recommends approval based on the findings of fact, as discussed or amended at the Plan Commission public hearing on May 4, 2023 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. The project shall be constructed in substantial conformance with the plans as submitted and the testimony presented at the May 4, 2023, Plan Commission public hearing.

2. That the proposed landscaping on the site shall be installed in compliance with the approved landscape plan and be continuously maintained in perpetuity.

3. That the proposed structures shall be constructed in compliance with the approved Exterior Appearance.

4. The final stormwater management plan shall be reviewed and approved by the Village Stormwater Engineer prior to the issuance of a building permit.

5. Include proposed landscaping modifications to northern boundary of the reconstruction.

6. Fire review of transformer and fuel tank.

The motion was seconded by Commissioner Arango. Chairperson Loftus asked for a roll call vote. The motion failed on a roll call vote, with:

Three Commissioners present voting “Yes”: Chairperson Loftus, and Commissioners Arango and Wyant;
Four Commissioners present voting “No”: Commissioners Brown, Cooper, Dawson, and Saeed.

<u>2.) Public Hearing — Proposed Text Amendment</u>

Commissioner Saeed moved to open the Public Hearing. The motion was seconded by Commissioner Dawson, and the motion passed by voice vote.

<u>Staff Introduction</u>

Sworn in, Martin Scott, Community Development Director for the Village of Glen Ellyn, introduced the Proposed Text Amendment: Amendments to Chapter 4 (District Regulations), specifically C3-C6 zoning districts of the Zoning Code pertaining to the designation of tobacco, vape, and smoke shops as special uses.

Mr. Scott said that at the March 9, 2023, Plan Commission meeting a draft text amendment was presented to convert tobacco, vape, and smoke shops from permitted uses to special uses within the C3 district. He said the Commission recommended approval, and the issue proceeded to the Village Board. Mr. Scott said that at a subsequent meeting, the Board expressed concern that the same level of scrutiny would not be applied to other commercial districts. The Board directed staff to prepare amendments to additional commercial districts.

Mr. Scott said that the amendments are important to address visual blight. He said the Village receives public complaints and that current establishments have received "notices of violation" regarding their signage.

Chairperson Loftus invited public comment.

<u>Public Comment</u>

There was no public comment for this agenda item.

A motion was made by Commissioner Dawson to close the Public Hearing; seconded by Commissioner Saeed, the motion passed by voice vote.

Chairperson Loftus invited a motion.

Commissioner Wyant made the motion:

After conducting a public hearing and deliberating on the requests of the petitioner, the Village of Glen Ellyn, for approval of proposed amendments to Chapter 4 (District Regulations), of the Zoning Code of the Glen Ellyn Village Code, the Plan Commission hereby recommends:

Approval as discussed or amended at the Plan Commission public hearing on May 4, 2023, which are hereby incorporated into the Motions 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, of proposed amendments to Chapter 4 (District Regulations) of the Zoning Code, relating to tobacco, vape, and smoke shop regulations, specifically as they apply to:

- C-3 Service Commercial District
- C-4 Office District
- C5A Central Retail Core Subdistrict

- C5B Central Service Subdistrict and,

- C6 Commercial/Multiuse Planned Development District, of the Zoning Code and of the Glen Ellyn Village Code, and any other necessary adjustments to the Village Code in order to allow for the proposed amendments.

The motion was seconded by Commissioner Dawson. Chair Loftus asked for a roll call vote. The motion passed on a roll call vote, with:

All Commissioners present voting "Yes": Chairperson Loftus, and Commissioners Arango, Brown, Cooper, Dawson, Saeed, and Wyant.

E. <u>Trustee Liaison's Report</u>

Trustee Thompson shared updates on the following:

- The US Bank site was approved by the Village Board, and later by the Park District.
- 411 Main Street property was discussed and successfully negotiated with the petitioner; the exterior appearance was approved.
- There was a hearing for the Comprehensive Plan; there will be additions, and the public hearing will be reconvened.
- The Route 53 and Butterfield Rd intersection will be undergoing major improvements by IDOT, including the addition of sidewalks. The Village will need to agree to maintain the sidewalks.

Trustee Thompson discussed the Commission's vote on the Frank Johnson Center. He encouraged Commissioners to consider submitting detailed questions to planning staff prior to Commission meetings, including legal questions and questions regarding how the code is interpreted.

F. <u>Chair Report</u>

Chairperson Loftus said that he would be unable to attend the Commission's scheduled May 25 meeting. He said Commissioner Dawson agreed to chair the meeting. Commissioners Cooper and Brown said they will not be able to attend the May 25 meeting. Remaining Commissioners will be polled for attendance to ensure quorum.

G. <u>Staff Report</u>

Community Development Director Martin Scott demonstrated how to access the Commission agenda packets online and how to toggle to individual, high-level items. He discussed an email he sent to Commissioners and advised them to contact him for access to the material in its entirety, if needed. He said that Attorney Matthews was working on an opinion for the Commission regarding property values and voting. He discussed the agenda items for the upcoming Commission meeting.

H. **Adjournment**

Chairperson Loftus adjourned the meeting at 9:30 p.m., following passage by voice vote of a motion by Commissioner Wyant and seconded by Commissioner Cooper.

Respectfully submitted,

Audrey Savikas
Recording Secretary