

PLAN COMMISSION  
MINUTES  
JANUARY 26, 2012

The meeting was called to order by Chairman Julie Fullerton at 7:30 p.m. Commissioners Craig Bromann, Todd Buckton, Erik Ford, Jeff Girling, Heidi Lannen, Jay Strayer, Ray Whalen and Lyn Whiston were present. Also present were Village Planning and Development Director Staci Hulseberg, Village Planner Michele Stegall, Planning Intern Kasey Matthews and Recording Secretary Barbara Utterback.

Chairman Fullerton explained the procedures of the Plan Commission. On the agenda were a pre-application meeting for Glen Ellyn Market at 285 Roosevelt Road and a public hearing for University Bible Fellowship at 556 Lowden Avenue.

Plan Commissioner Buckton moved, seconded by Plan Commissioner Whiston, to approve the minutes of the December 20, 2011 Plan Commission meeting. The motion carried unanimously by voice vote.

Plan Commissioner Buckton moved, seconded by Plan Commissioner Strayer, to approve the minutes of the January 12, 2012 Plan Commission meeting. Regarding the Spandikow Roofing Company request, Plan Commissioner Whalen suggested adding information that a tenant who has been added to the site since July of last year works out of his home but retains an office at the subject location so that he can park his vehicles there. The motion carried unanimously by voice vote.

PRE-APPLICATION MEETING – GLEN ELLYN MARKET, 285 ROOSEVELT ROAD

THE PROPOSED CONSTRUCTION OF A NEW APPROXIMATELY 30,375 SQUARE FOOT DEVELOPMENT ON THE OLD WEBB DODGE PROPERTY LOCATED AT 285 ROOSEVELT ROAD. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF ROOSEVELT ROAD BETWEEN LAMBERT ROAD AND LORRAINE STREET IN THE C3 SERVICE COMMERCIAL ZONING DISTRICT.

Staff Introduction

Village Planner Michele Stegall stated that the subject pre-application meeting is regarding the construction of an approximately 30,375 square foot retail development on the old Webb Dodge property located at 285 Roosevelt Road, and the petitioner is Ryan Murphy of Vequity, LLC. Ms. Stegall displayed an aerial photo of the subject property which is approximately 3.62 acres and is on the south side of Roosevelt Road between Lambert Road and Lorraine Street in the C3 Service Commercial District. Ms. Stegall indicated a portion of the site where parking is proposed that is located in Wheaton. Ms. Stegall displayed a color rendering of the subject development and stated that the rendering does not exactly match the current engineering plans included in the Plan Commissioners' packets. She stated that the site would be anchored by an approximately

20,000 square foot grocery store with retail spaces to the east and west. Ms. Stegall stated that three full access drives are currently proposed (two on Roosevelt Road and one on Taft Avenue). Ms. Stegall explained that Taft Avenue currently terminates at the Control'D property and, as part of this project, Taft Avenue would be extended behind the site and would hopefully continue through Wheaton to Lorraine Street. Ms. Stegall stated that based on a preliminary review, 122 parking spaces are required to serve the development. She stated that 124 parking spaces are located on the Glen Ellyn portion of the site; therefore, the development could stand on its own with the Glen Ellyn parking. She added that an additional 64 parking spaces are currently shown on the Wheaton lot.

In response to a Plan Commissioner's earlier question, Ms. Stegall stated that the Village Board has approved the business terms regarding the Economic Incentive Agreement, however, the formal agreement has not yet been drafted. She added that the Village Board's discussion with the petitioner regarding the agreement does not affect the Plan Commission's review of the application. Ms. Stegall stated that all of the uses with this development are permitted uses except for one special use request for a drive-through associated with one of the shops. She added that the petitioner will also need to receive approval of a number of zoning variations, a stormwater variation, a lot consolidation, exterior appearance and potential sign variations. She added that the special use, zoning variations and stormwater variations would be reviewed by the Plan Commission. Ms. Stegall stated that Lambert Lake, which is located directly south of the site, serves as a detention facility, and the Village engineers believe there is sufficient capacity in Lambert Lake to accommodate the stormwater detention for the subject site. She added that if the petitioner receives approval of a variation to allow stormwater detention in Lambert Lake, a fee-in-lieu-of detention would need to be paid. Based on the preliminary plans reviewed, Ms. Stegall stated that a 30-foot rear yard setback variation would be required along Taft Avenue. The setback shown on the plans is approximately 4 feet. She added that staff does not have an issue with a reduced setback based on the surrounding site conditions, however, a long blank building wall close to Taft Avenue could occur. She also stated that the Architectural Review Commission Appearance Review Guidelines encourage plantings along blank building walls to soften their appearance and that, therefore, staff would suggest that the setback be slightly increased to somewhere between 5 and 10 feet to allow adequate planting space. Variations for impervious surface setbacks around all four sides of the property as well as a retaining wall setback along the south property line will be required. Ms. Stegall also stated that other variations include a 24-foot wide drive aisle in lieu of 25 feet required and two loading spaces in lieu of a minimum number of three loading spaces. She added that the Plan Commission should consider the loading needs of the petitioner as well as potential future tenants of the site. She also suggested that the Plan Commission may wish to inquire about the accessibility of the loading space and garbage areas for large vehicles. Ms. Stegall also stated that the Village Zoning Code requires a distance of 185 feet between access drives on Roosevelt Road. The petitioner meets that requirement on the subject site but does not meet the requirement on the distance between the proposed drives and the drives on the adjacent properties. Ms. Stegall stated that she received a review letter today from IDOT who will ultimately issue permits for the drives that expresses concern regarding both drives to the subject property being full access and their

location. She also stated that bioswales are proposed in the Taft Avenue right-of-way for water quality filtration purposes and to help the petitioners meet best management practices of the stormwater ordinance. Ms. Stegall added that the Village could enter into a maintenance agreement with the petitioner so that they maintain the bioswales in the public right-of-way, however, there is concern regarding setting a precedent and the Village consulting engineer has indicated that some additional retaining wall work may need to be done if bioswales are put into the right-of-way. Ms. Stegall added that staff therefore encourages the petitioner to meet the BMP's on their own site. She also stated that the Plan Commission may want to consider inquiring about grocery cart management which has been a problem with other projects.

#### Petitioners' Presentation

Present on behalf of the petition were Ryan Murphy of Vequity LLC who is a Glen Ellyn resident. He stated that also present were Mike LaRue, a representative with Fresh Market, development partners John Meyers and Craig Kamatsu, and Jim Chanel who owns Control'D Engineering, 299 Roosevelt Road, Glen Ellyn, Illinois and who has agreed to assist the petitioners with the Taft Avenue project.

Mr. Murphy stated that a 30,000-square foot high-end grocery store for Fresh Market is proposed to be built. Mr. LaRue gave a brief history of Fresh Market stores. He stated that there are currently 110 stores throughout the country with five stores operating in the Chicago metropolitan area. He stated that the stores' focus is on fresh merchandise and the stores are half the size of a Jewel or Dominick's store. Mr. LaRue stated that the difficulty with building a market is a good location and that Roosevelt Road is such a location. He added that the difficulty with the subject site, however, is that the depth of the land along Roosevelt Road is barely enough to fit a 20,000 square foot market. He added that the building's minimum required depth is approximately 120 feet. Mr. LaRue encouraged the Plan Commission members to visit a Fresh Market store prior to acting on this petition.

#### Responses to Questions from the Plan Commission

Ms. Stegall responded to Plan Commissioner Strayer that the extension of Taft Avenue runs through a floodplain associated with Lambert Lake. She also responded to Plan Commissioner Strayer that economic incentives associated with the project include sales tax sharing and a contribution toward the construction of Taft Avenue by the Village. Plan Commissioner Strayer asked for what other properties Lambert Lake serves as water detention, and Ms. Stegall responded that Lambert Lakes is connected to the Village Links system which serves as stormwater detention for the Village. She was uncertain regarding the watershed boundaries but stated that a number of properties along Roosevelt Road are tributary to this system. Ms. Stegall verified for Plan Commissioner Strayer that the Village's consulting engineer's preliminary reviews indicate that Lambert Lake has sufficient capacity for the subject property's detention purposes. Ms. Stegall responded to Plan Commissioner Lannen that the car dealership previously on the site was nonconforming with regard to stormwater detention. She added that she believes

there is no detention currently on the site. Ms. Stegall responded to Plan Commissioner Girling that she did not know what the annual maintenance costs of the bioswales would be. She also responded that the types of plants found in a bioswale typically include such items as native wild flowers and grasses with long root systems. Ms. Stegall responded to Plan Commissioner Girling that the second point of ingress/egress on Taft Avenue has been removed because of floodplain issues. Ms. Stegall responded to Plan Commissioner Buckton that the Village Forester would be involved in the construction of the road regarding preserving trees on either side. Plan Commissioner Buckton recalled that in the past Village and DuPage County properties have been reviewed to be a single property, however, the Village did not connect. He asked Ms. Stegall for input regarding this subject, and she responded that because the Glen Ellyn side of the property meets the parking requirements of the Zoning Code, the project can occur even if Wheaton does not move forward. She added that parking lots are a permitted use in this commercial district in Wheaton so if the lot is constructed in conformance with Wheaton's impervious surface setbacks and parking lot dimensions, it is likely that building permits will only be required for that portion of the lot. Ms. Stegall responded to Plan Commissioner Buckton that consolidating the four lots into the Village of Glen Ellyn would be difficult. Ms. Stegall responded to Plan Commissioner Ford that if the petitioner needed to comply with the 30-foot setback, the plan would be different with potentially a smaller building. She added that rear yard setback variations have been granted for properties on Roosevelt Road because of the size of the lots and that given the surrounding land uses, she believed granting a rear yard setback in this situation made sense from an economic development standpoint.

Mr. LaRue responded to Plan Commissioner Buckton that 20,000 square feet is the typical size of a Fresh Market store. Mr. Murphy responded to Plan Commissioner Strayer that Vequity and Opus Trust will own the site after construction is complete and Fresh Market will have a 10-year lease. Mr. Murphy responded to Plan Commissioner Strayer that this is the first Fresh Market that his company is involved with and that financing is a combination of private equity and bank financing. Mr. Murphy responded to Plan Commissioner Buckton that stores A and B on the site are in the process of being marketed and that conversations have begun with an all-green dry cleaners leasing one of the spaces. Mr. Murphy anticipates some type of bakery or food shop may lease space. He added that many restrictions have been placed on the type of tenants allowed in the subject spaces. Mr. LaRue responded to Plan Commissioner Buckton that Fresh Market stores are typically flanked by separate developments, and Mr. Murphy displayed a drawing of a Fresh Market store. Mr. Murphy responded to Plan Commissioner Girling that four to six tenants will lease the two smaller shops. He added that the Fresh Market store will create a beautiful entry into Glen Ellyn as functionally obsolete buildings will be torn down, traffic and safety flow for the retail stores will be improved, Fresh Market will create 90 new jobs, dollars that are currently spent in other stores will be captured and property tax and utility tax will increase.

Plan Commissioner Strayer asked Mr. Murphy to address two proposed vehicular access drives on Roosevelt Road that require spacing of 185 feet which creates a problem at each end of the site, and Mr. Murphy stated that they just learned of this situation and

will need to work with IDOT, Glen Ellyn and Fresh Market to resolve this situation. Mr. LaRue added that Fresh Market views traffic access extensively prior to considering a site. He stated that because of heavy traffic on Roosevelt Road, Taft Avenue became key because customers can be taken to stoplight control intersections. He added that the design of entries in and out on the proposed plan are felt to be adequate. Mr. LaRue responded to Plan Commissioner Strayer that one access onto Taft Avenue is planned. Mr. Murphy responded to Plan Commissioner Strayer that the current plan is to not alter the existing grade in the area of the floodplain, to close the east entrance on Taft Avenue and to retain the existing entrance. Mr. LaRue stated that Fresh Market employees carry or wheel customers' groceries out of the store, unload the groceries into cars and wheel the cart back into the store. Mr. Murphy responded to Plan Commissioner Girling that a heavy volume of truck traffic is not anticipated for the small shops at the site and that the loading for Fresh Market occurs on the west side of the site. Mr. Murphy also responded to Plan Commissioner Girling that garbage trucks can move through the area just east of the drive-through lane. Mr. LaRue responded to Plan Commissioner Ford that he did not feel access into the parking lot will be problematic with cars and delivery trucks because the primary deliveries occur prior to the business opening for the day.

Mr. Murphy responded to Plan Commissioner Girling that he does not currently foresee that the subject development will combine with another development on a contiguous property to the west. Mr. Murphy responded to Plan Commissioner Bromann that a traffic impact study will be done as part of the subject development that will include the impact of increased traffic on Taft Avenue. Mr. Murphy responded to Chairman Fullerton that a variation will be requested to allow the existing utility wires to remain overhead, and Chairman Fullerton replied that utility wires are generally required to be placed underground in Glen Ellyn.

Mr. Murphy responded to Plan Commissioner Buckton that they have not looked at minimizing shops A and B to fit variations into the site more easily and that the variations are associated more with the grocery store's floor plan. Mr. Murphy added that the proposed project could not work without the requested variations. Mr. Murphy responded to Chairman Fullerton that they are in agreement with doing BMP's and are currently working through that process. Mr. LaRue responded to Plan Commissioner Bromann that one of their first layouts moved all the store space further to the north which did not work because the parking lot depth did not accommodate trees running into the front door rather than across. He added that if the building is moved forward just a few feet, an entire row of parking is gone. Plan Commissioner Girling asked how many parking spaces are in the Wheaton section of the lot, and Ms. Stegall replied 64. Mr. LaRue responded to Plan Commissioner Ford that the Wheaton parking area will accommodate Shop A and employee parking. Plan Commissioner Lannen asked if a drive-through would still be necessary if the dry cleaner did not want to occupy the subject space. She also asked what kind of tenant the petitioner would then envision, and Mr. Murphy replied a coffee shop or bakery shop. Ms. Lannen felt the grocery store would be impacted because of the traffic volume of the proposed uses. Mr. Murphy stated stacking and turn radius will be added to the next proposed plan. Ms. Stegall expressed concern regarding traffic congestion with customers, delivery vehicles and

drive-thru traffic all in the same area if an eastern Taft Avenue access is added to the plans, and Plan Commissioner Girling was concerned regarding drive-thru stacking and the ability to maneuver cars from the eastern point of egress. The petitioner's engineer explained the flow of traffic and stated that the width of the design allows stacking of up to four cars. Mr. Murphy and Mr. LaRue responded to Plan Commissioner Ford that potential restrictions that would be placed on Shops A and B by Fresh Market would include health clubs, pawn shops and title companies as well as uses not associated with upscale development and uses that would compete with key departments of Fresh Market such as flowers, beer and wine, meat market, produce market or bakery. Mr. Murphy added that Fresh Market is very concerned regarding the availability of their parking spaces.

#### Comments from the Plan Commission

Plan Commissioner Buckton felt that the addition of Fresh Market to Glen Ellyn on Roosevelt Road would be welcome and would flourish. He added, however, that Roosevelt Road is very shallow, and ingress/egress and parking have been issues at shopping centers in Glen Ellyn on Roosevelt Road. He added that navigation through the parking lot of the proposed site will be difficult and that a U-turn area for drive-through without egress looks awkward. He added that the lack of a second ingress/egress onto Taft Avenue felt claustrophobic. Plan Commissioner Buckton felt that there is too much going on at this site. Plan Commissioner Bromann agreed with Plan Commissioner Buckton's comments and added that traffic will be a huge problem. Plan Commissioner Girling stated that Roosevelt Road is a busy street because it is a retail corridor. He added that traffic will be increased on Taft Avenue but will feed to a stoplight to the west. He added that he would like to see the petitioner keep the bioswales on the site because the petitioner may not always own the property and the bioswales may not be maintained by a new owner. Plan Commissioner Girling stated he does not have a problem with the drive-thrus on the site, however, felt that congestion is a concern. He also had no problem with the petitioner getting relief from Lambert Lake regarding stormwater. He added that he would like to see the additional ingress or egress along Taft Avenue although that could be an economic issue when you're altering the floodplain. Mr. Murphy added that floodplain work would require movement on the Control'D property because the floodplain is on that property. Plan Commissioner Girling added that, although somewhat claustrophobic, the project is a great amenity to the Village. Plan Commissioner Lannen was in favor of the development and was in favor of enhancing the gateway to the Village as stated in the Comprehensive Plan. She expressed some concern regarding traffic issues, especially as related to a drive-through and the type of tenant at that location. Plan Commissioner Strayer was very much in favor of the proposed project which he has heard people in Glen Ellyn talk about having in town. He stated that people manage to get in and out of the stores on Roosevelt Road every day. He expressed some concern regarding the Taft Avenue access points and stated he would prefer an additional access point at that location. He requested viewing the analysis of the product loading at the three subject facilities. Plan Commissioner Ford was in favor of the subject project and stated tax dollars could be generated at that location. He stated that his main concern is loading and unloading at the rear of the building. He stated he is

not concerned regarding Taft Avenue as it is a relief point for some traffic. He added that the project is a great concept. Plan Commissioner Whiston hoped the traffic at the drive-thru could be addressed, however, not at the risk of losing the project. He added that he liked this entry to the Village. Plan Commissioner Whalen agreed with many of Plan Commissioner Strayer's comments. He suggested adding landscaping to the rear of the subject building and keeping the bioswales on the site. He stated that undergrounding wires is very expensive, and he suggested getting opinions from Public Works staff and the Village Board regarding the economics of undergrounding wires which could deter developers from building. He suggested getting a cost analysis regarding the utilities. Although Plan Commissioner Whiston was in favor of undergrounding utilities, he recommended obtaining information regarding utility costs. Plan Commissioner Girling stated that special uses should not be granted based on economic hardship to the developers and he was in favor of the utilities being undergrounded. Chairman Fullerton felt that the proposed project will be a great addition to the community. She was supportive of bioswales and landscape buffering and felt that the Plan Commissioners would be in favor of the drive-thru if the stacking issue was presented more clearly. She also recommended discussions with staff and the Village Board regarding overhead utility lines and the economic condition. Chairman Fullerton asked how carts will be managed at the stores adjoining Fresh Market, and Mr. Murphy responded that it will be unlikely that they will have carts because of the restriction in grocery use. Plan Commissioner Girling asked how the shopping cart issue would be handled if a new store was on the site. Per Ms. Stegall, the petitioner stated that the shopping carts would be stored inside the building and carted out to customers' vehicles by the employees and then returned back to the store by the employees.

PUBLIC HEARING – UNIVERSITY BIBLE FELLOWSHIP, 556 LOWDEN AVENUE  
DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A  
REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT AND ZONING  
VARIATIONS TO ALLOW A CHURCH TO OPERATE OUT OF A SINGLE-  
FAMILY HOME AT 556 LOWDEN AVENUE. THE SUBJECT SITE IS LOCATED  
AT THE NORTHWEST CORNER OF LOWDEN AVENUE AND PARKSIDE  
AVENUE IN THE R2 RESIDENTIAL ZONING DISTRICT

*(Anne E. Koday, Attorney)*

Chairman Fullerton explained the procedures of the Plan Commission regarding the subject public hearing.

#### Staff Introduction

Plan Commissioner Buckton moved, seconded by Plan Commissioner Bromann, to open the public hearing. The motion carried unanimously by voice vote.

Plan Commissioner Strayer, an attorney, stated that he has a relationship with the law firm representing the petitioner and subsequently recused himself from this request.

Plan Commissioner Whalen stated that he is currently the contractor building a home to the east of the subject property. He stated that he has not discussed the subject project with his customer and referred them to the Village if they had any questions. Plan Commissioner Whalen also stated he has contacted the Village Ethics Officer who stated she has no problem with him participating in this project.

Kasey Matthews, Planning Intern, stated that University Bible Fellowship, owner of property at 556 Lowden Avenue and represented by Attorney Anne E. Koday, is requesting approval of a Special Use Permit and Zoning Variations to allow a church to be operated within an existing single-family home at 556 Lowden Avenue. Ms. Matthews stated that three variations from the Glen Ellyn Zoning Code are being requested as follows: 1. A variation from Section 10-4-8(H)2 to allow a total of four (4) parking spaces on the property in lieu of the five (5) required for a church. 2. A variation from Section 10-5-8(F) to allow 2 of the 4 parking stalls to be 15.85 feet long instead of the minimum 19 feet required. 3. A variation from Section 10-5-8(I) to allow the absence of a drive aisle behind the proposed parking spaces in lieu of a minimum drive aisle width of 24 feet required. Ms. Matthews described the location of the subject property which is zoned R2. A single-family home and detached garage currently exist on the site, and she described the surrounding land uses.

Ms. Matthews provided a history of the subject property which was purchased by the University Bible Fellowship in 1998 and has been used for worship services, bible studies and prayer meetings since that time. She stated that in February, 2011, Village staff learned that a church was being operated out of the subject home when a building inspector visited the property for an unrelated building permit inspection. Ms. Matthews added that University Bible Fellowship has cooperated with staff regarding applying for appropriate permits and variations. She added that the Village had received no complaints regarding activities on the site in the past, however, several neighbors wrote to the Village after public notices were published with questions and concerns regarding the church. She indicated that staff had received questions about how the Village's regulations differ from the County's and stated that in October, 2011, DuPage County passed an ordinance that certain places of assembly, including religious institutions, are allowed by right in all zoning districts provided they meet certain criteria: The four major requirements are: 1. The site must be located along an arterial road; 2. Must be connected to public water and sewer; 3. Cannot be located within a single-family home; and 4. Minimum lot size is 100,000 square feet for the first 100 occupants. Ms. Matthews stated that research indicates that no special use permits have been issued for churches in residential districts in Glen Ellyn. She also reviewed some suggested conditions, including a limitation on signage, if approval of the requests is recommended.

#### Petitioners' Presentation

Attorney Anne Koday, Two North LaSalle Street, Chicago, Illinois and Jeremy Hajek, a long-standing member of the organization, 227 W. Crystal Avenue, Lombard, Illinois were present regarding the subject request.

Ms. Koday stated that she was representing University Bible Fellowship (UBF) and that Pastor David Kim was also present at this meeting. She provided background history regarding UBF and stated that UBF purchased the subject property in 1998 and has been openly using the site for worship activities since that time. The largest of four activities currently at the site is a worship session on Sundays from 11:00 a.m. to 1:00 p.m. with 14-15 people in attendance although as many as 20 people may occasionally be present. Small Bible studies also occur during the weekdays, and small group prayer meetings with 4 to 10 people occur on Fridays evenings. Individual study also takes place at the site once or twice a week with 2-3 students from the College of DuPage. Ms. Koday reiterated that the site has been used for the above uses for 14 years and the special use application process began last year with the church working with the Village since that time to bring the property into conformance. Ms. Koday added that UBF would like to continue with the same uses in the future as have been used at the site for the past 14 years. She added that the property is in the R2 Residential District and that they are requesting that the site be used as a church with 15-20 people who gather regularly on Sundays to worship.

Ms. Koday addressed the nine (9) Special Use criteria as follows: 1. Will be harmonious and in accordance with the general objectives, or within a specific objective, of the Comprehensive Plan and/or the Zoning Code as UBF's use of the subject property is similar to that of a resident with an active social schedule hosting dinner parties or other gatherings and the size of UBF membership with roughly 15 members is not typical of a regular church. 2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. The subject property was built as a single-family home prior to UBF purchasing it and fits within the nature of the neighborhood. Nothing about the building indicates it is something other than a residence and there are no signs on the building. Also, no lighting fixtures are on the site in plain view. 3. Will not be hazardous or disturbing to existing or future neighborhood uses. UBF's use of the property has not been disturbing or hazardous for the past 14 years and the use of the property will not change. 4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The subject property requires no more services than a typical single-family residence. 5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village. No more services would be required than for a typical single-family residence and granting the special use permit would not affect the economic welfare of the Village. 6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. The property does not emit smoke, fumes, glares or odor, and the traffic and noise generated would be similar to that generated by a neighbor with a weekly activity. 7. Will have vehicular approaches to the property which shall be so designed as not to create an undue interference with traffic on surrounding public

streets or roads. There will be only two times per week when more traffic or cars would be seen for a period of time at the subject residence. 8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief. 9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community.

Ms. Koday stated that the answers to the above questions indicate that the special use permit should be granted and, if granted, UBF would request three minor Zoning Code variations. One variation is to allow four parking stalls in lieu of five parking stalls for the 20-seat maximum attendance. Ms. Koday responded to Zoning Code statements regarding practical difficulties or particular hardships as follows: She added that UBF circumstances are unique because requiring them to move after 14 years presents an undue hardship. Ms. Koday also stated that the condition of the property would bring hardship on the owner if the strict letter of the code is carried out because UBF would be noncompliant if the variances were not granted. Ms. Koday stated that UBF is unique in that it focuses on small Bible studies and one-to-one interaction and has been at the same location for the past 14 years with no complaints against them. Ms. Koday stated that the variation request is not based on a desire to make money out of the subject property as UBF is a non-profit organization and generates no profit. She also stated that the subject hardship has not been created by UBF because they did not build the property and are asking for variations from the code so they can conform to Village requirements while continuing to use the property in the same manner. She also stated that the use of the subject property has not been detrimental to other properties in the neighborhood for 14 years. Ms. Koday also stated that the subject property will not impair an adequate supply of air and light to adjacent property, will not substantially increase the hazard from fire or other dangers, otherwise impair the public health and safety, morals or general welfare, diminish or impair property values in the neighborhood and she is not aware that anyone in the neighborhood has had difficulty selling their property in the past 14 years due to UBF's use of the subject site. Ms. Koday also stated that no more traffic is created by the subject use than that of a social neighbor who has weekly gatherings, no records of complaints against the subject property have been documented, no increase in public expenditures has occurred and the subject variations are the minimum variations that will make possible the reasonable use of the building.

Ms. Koday stated that it is UBF's mission to be a good neighbor and she addressed some of the neighbors' concerns. She stated that UBF has been exempt from property taxes at the subject property since 1999. She also stated that UBF has no intention to tear down or add onto the existing structure and that the church would sell the existing building and move if membership increases. She added that there is some turnover in the church's membership as the members are young and will graduate and move. She explained that the Friday evening events are generally 4-5 people although that amount may increase to 10 and added that everyone is out of the building by 9:00 p.m. Ms. Koday stated that neighbors have said there are often more than 20 people at the subject site at a time and more than 40 people have attended activities on the property at times. She stated that the pastor stated that 40 people were present at a special event approximately 10 years ago. She stated that more than 20 people at the site would occur three times per year—

Christmas, Easter and one other special event which is no different from a neighbor who entertains three times per year. Another concern is the number of cars parked in front of the site that exceeds 4 to 5 as stated in the application which occurs when carpooling is not coordinated or an additional person is present. She added that there have been no safety issues regarding the subject property in the past 14 years. She also stated that the pastor and members of the church promptly remove snow and ice in the winter and take care of the lawn and shrubbery during the summer months. She added that UBF does not intend to implement new programs that would allow drug addicts or homeless people to be at the site. Ms. Koday stated that UBF has no plans to change their use of the subject property.

#### Responses to Questions from the Plan Commission

Chairman Fullerton asked for more specific information regarding the subject property complying with all applicable code regulations for a church use. Ms. Matthews responded that the building inspectors would perform an inspection and preview the property for conformance with the building code including such items as emergency exit routes, fire extinguishers, emergency lighting, exit signs and ADA accessibility requirements. Regarding signage, Ms. Stegall responded to Plan Commissioner Whiston that a home occupation is allowed no more than one sign not exceeding 2 square feet in area. Ms. Stegall also responded to Plan Commissioner Bromann that a home occupation sign is allowed without a permit. Ms. Matthews responded to Plan Commissioner Ford that the size of the subject lot is approximately 7,403 square feet. Ms. Stegall added that the lot dimensions are approximately 150 feet by 50 feet. Mr. Hajek responded to Plan Commissioner Buckton that the members of the church are from DuPage County universities, primarily the College of DuPage, and that he is a professor at Illinois Institute of Technology and invites students from that school to the church. Mr. Hajek also responded to Plan Commissioner Buckton that he engages in one-to-one open invitation ministry, speaks with co-workers or those interested regarding attending the church or posts notifications about the church on bulletin boards at COD. Mr. Hajek also responded to Plan Commissioner Buckton that the church population generally remains at the same level. Mr. Hajek responded to Plan Commissioner Ford that the subject property was purchased to support UBF's ministry and is a typical site. Mr. Hajek responded to Plan Commissioner Ford that not seeking a special use for the subject property may have been an oversight. Ms. Koday responded to Chairman Fullerton that the subject property is unique because it is not a typical church and because it has been in existence for many years. Ms. Stegall responded to Chairman Fullerton that the actual experience and impact of having the church in this location over the past years can be considered by the Plan Commission. Ms. Koday responded to Chairman Fullerton that all building code requirements at the subject site would need to be met by UBF and that excessive requirements may cause UBF to vacate the site. Chairman Fullerton stated that she would like additional information regarding building code requirements at the subject site. Mr. Hajek responded to Plan Commissioner Bromann that the maximum number of regular members was 20-25. Mr. Hajek also responded to Plan Commissioner Bromann that normal police restrictions are the only parking restrictions in the area. Mr. Hajek responded to Plan Commissioner Lannen that the four (4) parking spaces in the driveway

are deferred to elderly people and pregnant women. Mr. Hajek responded to Plan Commissioner Bromann that the garage has not been used very often on Sundays for parking.

Persons in Favor of or in Opposition to the Petition

Kevin Krebs, 552 Dawes, Glen Ellyn, Illinois asked his neighbors to stand up to show how many people were in attendance. Mr. Krebs stated that there were discrepancies in the petitioners' application which he would address and stated that public safety is an issue. He stated that attendance at the church services on Fridays and Sundays as well as the number of cars observed parking for those programs directly contradicts answers provided in the special use application, narrative statement and application for variation. He stated that the current proposed use of the subject property is not consistent with typical residential usage, leads to traffic interference on the streets, alters the essential character of the neighborhood, could be detrimental to public welfare and could be a hazard or disturbing to existing or future uses. Mr. Krebs stated more than 20 people have been observed at the church on more than a few occasions and stated that on the church website, photos with up to 30 people are shown on the property and he offered the photos to be viewed. He stated that seven cars have been parked at the site on Friday nights for a prayer group and that there are often four to five cars at the site and sometimes up to 11. He added that a semi-cab was also parked at the site over Christmas. He added that the four parking spaces at the site are insufficient for the number of attendees. He also addressed public safety concerns such as inconsistent snow and ice removal and stated that yard maintenance is also an issue. He noted inconsistencies regarding the subject property as follows: More than 20 persons have been observed at the site. Between 7 and 11 cars have been parked at the subject property. An undue interference is caused on surrounding streets and roads by excessive cars. Seven cars have been parked out in front for the small prayer group on Friday night. The petitioners' point that a fifth parking stall would be used at most once a week is incorrect. The essential character of the locality will be altered. Granting a variation will be detrimental because the subject use is atypical. Traffic has been increased at the subject site. Mr. Krebs stated that a 4-day event took place in August at the subject site. Mr. Krebs described and distributed photographs to staff. Mr. Krebs responded to Plan Commissioner Girling that he would still be concerned regarding the subject site even if the petitioner brought his property into conformance.

Laura Baloun, 151 S. Parkside Avenue, Glen Ellyn, Illinois stated that her biggest concern is the future and keeping to the character in the neighborhood. She felt that the conditions of a special use should be limited and, if re-sold, the special use would revert to residential status. She did not want the subject house to be able to be expanded or torn down and rebuilt. She also expressed concern regarding tax implications for a special use and zoning variations at a church. She also noted that UBF uses public parks for their activities. Ms. Baloun also asked how UBF impacts property values in the subject area and would homeowners have to disclose UBF information to future buyers. Ms. Baloun also wondered if it would be possible to limit a special use permit to prevent programs such as PADS, a homeless shelter or drug abuse recovery center that could potentially

have a negative impact on the surrounding homes. She also asked if other communities had experience with the subject organization.

Chairman Fullerton responded that the Special Use Permit goes with the property and, therefore, would remain at this location if the property was sold. Ms. Stegall added that a Special Use Permit runs with the property—not the applicant—and can only be void if the property is vacant for 180 days or more. She stated that the Special Use Permit is tied to the specific application presented and that the house could not be torn down and rebuilt or constructed with a 2<sup>nd</sup> story without applying for a new or amended Special Use Permit which would require another public hearing. Ms. Stegall responded to Ms. Baloun that the subject property could revert back to a home usage.

Erin Micklo, 555 Dawes Avenue, Glen Ellyn, Illinois lives directly behind the subject house. She stated that her family moved from Oak Park where there was a parking lot across the street to a more residential area in Glen Ellyn. Ms. Micklo felt that the subject church could change the character of the neighborhood because of the transient nature of the attendees. She stated that there are many cars parked near the subject site. She added that the subject property is sometimes not shoveled in the winter which is a safety and maintenance issue.

Mr. Hajek said he has lived in the subject house for five years in the past and would like to work with the neighbors regarding the subject situation.

Plan Commissioner Buckton moved, seconded by Plan Commissioner Bromann, to continue the public hearing to February 9, 2012. The motion carried unanimously by voice vote.

#### Trustee Report

No Trustee was present to offer a report.

#### Chairman's Report

Chairman Fullerton reviewed the new business opening process improvement team. Several Plan Commissions felt the team should be a task force that includes those from other areas as well as some Plan Commissioners.

#### Staff Report

No staff report was presented.

There being no further business before the Plan Commission, the meeting was adjourned at 10:23 p.m.

Prepared by:  
Barbara Utterback, Recording Secretary

Reviewed by:  
Michele Stegall, Village Planner