

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
11/22/2016

SUBJECT:	SUBMITTED BY:
904-910 Curtiss Street - Special Use Extension	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared granting a six-month extension to Special Use Ordinance #5496 to permit a mixed-use building with apartments in the DB, Downtown Business zoning district at 904-910 Curtiss Street.

STRATEGIC PLAN ALIGNMENT

The goals for 2015-2017 include *Strong and Diverse Local Economy*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the December 6, 2016 active agenda.

BACKGROUND

On [November 10, 2015](#), the Village Council approved a proposal to construct a five-story mixed use building at 904 – 910 Curtiss Street. On November 8, 2016, the petitioner requested the Village Council grant a six-month extension of the Special Use approval. Per Section 12.050.I of the Zoning Ordinance, a special use approval will lapse after one year if a building permit has not been issued. The Village Council is authorized to extend the expiration period for good cause on up to two separate occasions, by up to six months each.

The petitioner has submitted a building permit application to construct the building and has met with Village representatives many times over the past year regarding construction of the building. At this time, the petitioner is finalizing financing to complete the project.

ATTACHMENTS

Ordinance
 Petitioner's request letter dated November 8, 2016
 Ordinance No. 5496

ORDINANCE NO. _____**AN ORDINANCE AUTHORIZING THE EXTENSION
OF A SPECIAL USE TO PERMIT CONSTRUCTION OF A MIXED USE
STRUCTURE WITH APARTMENTS AT
904-910 CURTISS TO MAY 10, 2017**

WHEREAS, on November 10, 2015, the Village of Downers Grove has previously approved Ordinance No. 5496 entitled "AN ORDINANCE AUTHORIZING A SPECIAL USE FOR ADRIATIC GROVE APARTMENTS AT 904-910 CURTISS STREET TO PERMIT CONSTRUCTION OF A MIXED USE STRUCTURE WITH APARTMENTS"; and

WHEREAS, pursuant to the Downers Grove Zoning Ordinance, Section 28.12.050(I), "The Village Council is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 6 months each. Requests for extensions must be submitted to the Community Development Director and forwarded to the Village Council for a final decision";

WHEREAS, the owner of the Property has made a request for an extension of the improvements authorized under Ordinance No. 5496; and

WHEREAS, the Village Council has considered such request and has determined that it is in the best interest of the Village of Downers Grove to extend the Special Use approval as requested.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Downers Grove as follows:

SECTION 1. That the Special Use approval as set forth in Ordinance No. 5496, permitting construction of a mixed use structure with apartments at 904-910 Curtiss, is hereby extended to May 10, 2017.

SECTION 2. That this ordinance shall be in full force an effect from and after its adoption in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk

ORDINANCE NO. 5496**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR ADRIATIC GROVE APARTMENTS
AT 904-910 CURTISS STREET TO PERMIT CONSTRUCTION
OF A MIXED USE STRUCTURE WITH APARTMENTS**

WHEREAS, the following described property, to wit:

Parcel 1:

The west 50 feet of Lot 6 in Block 2 in Curtiss Addition to the Town of Downers Grove, being a subdivision of part of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded March 8, 1866 as Document 7317, in DuPage County, Illinois

Parcel 2:

Lots 7 and 8 in Block 2 in Curtiss Addition to the Town of Downers Grove, being a subdivision of part of Section 7, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded March 8, 1866 as Document 7317, in DuPage County, Illinois

Commonly known as 904-910 Curtiss Street, Downers Grove, IL 60515 (PIN 09-08-304-001 and -002)

(hereinafter referred to as the "Property") is presently zoned "*DB/PUD #54, Downtown Business District with a Planned Unit Development Overlay*" pursuant to the Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28.12.050 of the Zoning Ordinance be granted to allow construction of mixed use structure with apartments; and,

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition on October 12, 2015 and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission has recommended approval of the Special Use, subject to certain conditions; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;

2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
3. That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. That Special Use of the Property is hereby granted to allow construction of a mixed use structure with apartments.

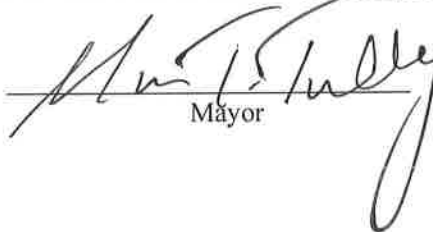
SECTION 2. This approval is subject to the following conditions:

1. The PUD and Special Use shall substantially conform to the staff report dated October 12, 2015; architectural drawings prepared by Arete Design Studio dated September 4, 2015, and last revised on September 25, 2015 and engineering and landscape drawings prepared by C.M. Lavoie dated September 4, 2015, and last revised on September 23, 2015 except as such plans may be modified to conform to the Village codes and ordinances.
2. A demolition permit for the existing 910 Curtiss Building must be applied for, reviewed by the Village and approved by the Village prior to the issuance of a building permit to start construction on Phase I of the proposed development.
3. If for any reason, the construction of Phase II is not completed and the demolition of the existing 910 Curtiss building does not occur:
 - a. The applicant shall be required to submit an application to the Village Council to permit the existing 910 Curtiss Street building to remain prior to the issuance of a certificate of occupancy for Phase I.
 - b. The temporary curb cut located on Washington Street immediately north of the existing 910 Curtiss Street building shall be removed and the curb and parkway restored. Additionally, the parking lot that the temporary curb cut services shall also be removed and restored to open green space.
 - c. The existing gravel parking lot immediately to the east of the existing 910 Curtiss building shall be improved to a hard dust-free surface that complies with the Village's parking lot design, landscaping and lighting standards. The improved parking lot must be tied into the new access drive for Phase I.
 - d. The curb cuts on Curtiss Street shall be reduced to a single curb cut that meets the Village's design standard.
4. A stop sign shall be installed at the internal intersection for the outbound vehicles exiting the parking lower level.
5. All proposed lighting shall comply with the Village's lighting standards identified in Section 10.030 of the Zoning Ordinance.

- 6. Prior to issuing any site development or building permits, the petitioner shall make park and school donations in the amount of \$252,468.73 (\$172,770.03 to the Park District, \$57,690.15 to Elementary School District 58, and \$22,008.55 to High School District 99).
- 7. Prior to issuing any site development or building permits, the petitioner shall:
 - a. pay a fee, as determined by the Village Forester, to remove two parkway trees; and
 - b. pay a \$1,000 fee in lieu payment for the installation of two new parkway trees
- 8. The building shall be equipped with an automatic suppression system and an automatic and manual fire alarm system in accordance with the Village's requirements.
- 9. The petitioner shall install a water quality structure within the outside parking area to treat stormwater prior to entering the downtown storm sewer system.
- 10. The applicant shall complete an Administrative Lot Consolidation prior to the issuance of a building permit.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use is granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and/or revocation of the Special Use granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.


 Mayor

Passed: November 10, 2015

Published: November 11, 2015

Attest: 
 Village Clerk



November 8, 2016

Mr. Stanley Popovich, Director
Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Dear Mr. Popovich;

On behalf of our client, Nu-Living, LLC I submit this formal request for a one year extension to all ordinances related to the Adriatic Grove project located at 904-910 Curtiss Street, including but not limited to Ordinances 2015-6477, 2015-6476, and 2015-6478.

Please let me know if you need any additional information to address this request, and if I need to be in attendance for any formal hearing process related to this matter.

Should you have any questions or need any additional information, please contact me at the office at 815-254-0505 or by cell 630-885-5050

Regards,

Christopher M. Lavoie, PE, President
C.M. Lavoie and Associates, Inc.