

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
6/16/2020

SUBJECT:	SUBMITTED BY:
3131 Finley Road - Special Use for accessory use prior to a principal use	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The petitioner is requesting Special Use approval to establish an accessory parking lot use before the principal use is established at 3131 Finley Road.

STRATEGIC PLAN ALIGNMENT

The goals for 2019-2021 include *Strong and Diverse Local Economy*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the June 9, 2020 Village Council meeting. Staff recommends approval on the June 16, 2020 Active Agenda.

BACKGROUND

Property Information and Zoning Request

The petitioner is requesting approval of a Special Use to establish a 240 space off-site parking lot as an accessory use before the principal use of the property is in place at 3131 Finley Road. The proposed parking lot will provide accessory parking for Executive Towers West III located at 1400 Opus Place, directly south and adjacent to the proposed parking lot. The petitioner is requesting use of the additional spaces in order to address the increased density trend in office space (i.e. smaller offices and shared work spaces). Recent trends of office employers include increasing density within their offices as an effective way of addressing business costs.

The subject property is currently occupied by a vacant restaurant. The petitioner is proposing to demolish the vacant restaurant building and convert the former building's footprint into additional parking stalls. The two sites are currently connected via a public sidewalk and an existing pedestrian connection between the existing surface parking lot and the parking garage located south of the subject property.

The plan removes some parking spaces along the west property line to ensure the combined parking counts between the two properties does not exceed the maximum parking ratio of 4.5 spaces per 1,000 square feet of building area. A portion of the existing parking lot is currently located in the Branding Avenue right-of-way

and will be removed so the entire parking lot is on private property. The parking lot will consist of 240 spaces, seven of which will be ADA compliant. Each parking space meets the required parking space dimensions. Landscaping will be provided in accordance with the Zoning Ordinance.

Compliance with Comprehensive Plan

The Comprehensive Plan designates the subject property as Regional Commercial, which is characterized by office uses that rely on the ability to draw a customer base from the larger region. The existing area currently is a mix of corporate office uses, large shopping centers, hotels, and big box development. The Comprehensive Plan identifies the Finley Road/Butterfield Road area as a Key Focus Area. It specifically suggests leveraging the unique location of this area, adjacent to two highways, to attract new retail and office tenants. To remain competitive and draw from the surrounding region, reinvestment should occur to improve the aesthetics and function of regional commercial uses, large shopping centers, hotels, and big box development. Another goal for Commercial and Office Areas is to enhance the economic viability, productivity, and function of the Village's commercial properties. Key objectives of this goal include promoting a mix of commercial and retail, in addition to encouraging campuses to offer spaces that are adaptable to market trends. The proposed development meets the goals of the Comprehensive Plan.

Compliance with the Zoning Ordinance

The subject property is currently zoned B-3, General Services and Highway Business, and is proposed to meet the bulk regulations for this district.

Traffic and Parking

There is currently sufficient parking at 1400 Opus Place. The building owner anticipates that additional parking will be needed for future tenants with higher parking requirements for their staff, thus the request for 240 additional parking spaces at 3131 Finley Road. The aggregate of the parking stalls at 1400 Opus (782) and the proposed parking stalls at 3131 Finley (240) is 1,020 parking stalls. The existing building at 1400 Opus place has a total area of 228,069 square feet. The combined parking will provide a parking ratio of 4.5 parking spaces per 1,000 square feet, based off of gross building square footage.

Public Comment

Prior to the Plan Commission meeting, staff received an inquiry from the adjacent property owner to the north, who requested information about the project.

ATTACHMENTS

Ordinance

Aerial Map

Staff Report with attachments dated March 2, 2020

Approved Minutes of the Plan Commission Hearing dated March 2, 2020

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: June 16, 2020
(Name)

RECOMMENDATION FROM: _____ FILE REF: _____
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE TO ESTABLISH AN ACCESSORY USE BEFORE THE PRINCIPAL USE IS ESTABLISHED AT 3131 FINLEY ROAD", as presented.



SUMMARY OF ITEM:

Adoption of this ordinance shall authorize a special uses to establish an accessory use before the principal use is established at 3131 Finley Road.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____**AN ORDINANCE AUTHORIZING A SPECIAL USE TO ESTABLISH
AN ACCESSORY USE BEFORE THE
PRINCIPAL USE IS ESTABLISHED AT 3131 FINLEY ROAD**

WHEREAS, the following described property, to wit:

LOT 1 IN OAK GROVE CENTRE OF COMMERCE UNIT THREE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 2, 1978 AS DOCUMENT R78-09661 AND CORRECTED BY DOCUMENTS R78-27328, R78-94193 AND R78-123102 RESPECTIVELY, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 3131 Finley Road, Downers Grove, IL 60515
PINs: 06-30-409-009

(hereinafter referred to as the "Property") is presently zoned in the "B-3, General Services and Highway Business District" under the Comprehensive 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 be granted to establish an accessory use before the principal use is established; 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 for the petition on March 2, 2020 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 establish an accessory use before the principal use is established.

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

1. The proposed Special Use shall substantially conform to the staff report dated March 2, 2020, engineering plans prepared by Bleck, originally on January 23, 2020 and revised on February 14, 2020, and to the photometric plans prepared by KSA originally submitted on January 31, 2020, except as such plans may be modified to conform to the Village codes and ordinances.
2. The parking lot must be constructed within six (6) months of passage of this ordinance.
3. If within twelve (12) months of construction of the parking lot or the parking lot is no longer used for 1400 Opus Place or a tenant is not secured that will utilize the parking lot, a building must be constructed on the property or the parking lot must be removed and the entire site restored to green space.
4. The Village Council is authorized to extend the expiration period for good cause on up to two separate occasions, by up to one (1) year each. Requests for extensions must be submitted to the Community Development Director and forwarded to the Village Council for a final decision.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Uses are 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. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Mayor

Passed:

Published:

Attest: _____

Village Clerk



3131 Finley Road
Parking Lot

1400 Opus Place
Office Building

Text



0 500 1,000
Feet

3131 Finley Road - Location Map

-  Subject Property
-  Project Location



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
MARCH 2, 2020 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
20-PLC-0004 3131 Finley Road	Special Use to Provide an Accessory Parking Lot	Flora Ramirez Planner

REQUEST

The petitioner is requesting approval for a Special Use to establish an accessory use before the principal use is established at 3131 Finley Road.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER:	ETW Land LP One World Trade Center, Suite 83G New York, NY 10007
PETITIONER:	Robyn Pinson 445 Hutchinson Avenue, Suite 920 Columbus, OH 43235

PROPERTY INFORMATION

EXISTING ZONING:	B-3, General Services and Highway Business
EXISTING LAND USE:	Vacant Restaurant
PROPERTY SIZE:	114,931.54 square feet (2.64 acres)
PINS:	06-30-409-009

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	B-3, General Services and Highway Business	Regional Commercial
SOUTH:	O-R-M, Office, Research, and Manufacturing	Office Corporate Campus
EAST:	B-3, General Services and Highway Business	Regional Commercial
WEST:	B-3, General Services and Highway Business	Regional Commercial

ANALYSIS**SUBMITTALS**

This report is based on the following documents, which are on file with the Department of Community Development:

1. Project Summary/Narrative

3131 Finley Road, 20-PLC-0004
March 2, 2020

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2. Special Use Criteria
3. Plat of Survey
4. Grading Plan
5. Landscape Plan
6. Photometric Plan

PROJECT DESCRIPTION

The petitioner is requesting approval of a Special Use to establish a 240 space off-site parking lot as an accessory use before the principal use of the property is in place at 3131 Finley Road. The proposed parking lot will provide accessory parking for Executive Towers West III located at 1400 Opus Place, directly south and adjacent to the proposed parking lot. The two sites are currently connected via a public sidewalk. An existing pedestrian connection is also currently provided between the existing surface parking lot and the parking garage located south of the subject property.

The subject property is currently occupied by a vacant restaurant. The petitioner is proposing to demolish the vacant restaurant building and convert the former building's footprint into additional parking stalls. The petitioner is requesting utilizing additional spaces in order to address the increased density trend in office space (i.e. smaller offices and shared work spaces). Recent trends of office employers include increasing density within their offices as an effective way of addressing business costs.

The plan removes some parking spaces along the west property line to ensure the combined parking counts between the two properties does not exceed the maximum parking ratio of 4.5 spaces per 1,000 square feet of building area. The subject property currently has two curb cuts onto Branding Avenue and the proposal does not include alterations to either curb cut. However, a portion of the existing parking lot is currently located in the Branding Avenue right-of-way. With the proposed improvements the parking spaces will be relocated onto private property. The parking lot will consist of 240 spaces, seven of which will be ADA compliant. Each parking space meets the required parking space dimensions. Landscaping will be provided in accordance with the Zoning Ordinance.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates the subject property as Regional Commercial, which is characterized by office uses that rely on the ability to draw a customer base from the larger region. The existing area currently is a mix of corporate office uses, large shopping centers, hotels, and big box development. The Comprehensive Plan identifies the Finley Road/Butterfield Road area as a Key Focus Area. It specifically suggests leveraging the unique location of this area, adjacent to two highways, to attract new retail and office tenants. To remain competitive and draw from the surrounding region, reinvestment should occur to improve the aesthetics and function of regional commercial uses, large shopping centers, hotels, and big box development.

Another goal for Commercial and Office Areas is to enhance the economic viability, productivity, and function of the Village's commercial properties. The objectives of this goal include promoting a mix of commercial and retail, in addition to encouraging campuses to offer spaces that are adaptable to market trends.

COMPLIANCE WITH THE ZONING ORDINANCE

The subject property is currently zoned B-3, General Services and Highway Business and is required to meet the bulk regulations for this district, as well as requirements for landscaping and parking dimensions. The required and proposed dimensions are compared below.

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March 2, 2020

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BULK REGULATIONS (B-3 ZONE)	REQUIRED	PROPOSED
Min. Lot Area	N/A	114,931.54 S.F.
Interior/Rear Setback (South)	N/A	7 ft.
Interior/Side Setback (East)	N/A	0 ft.
Min, Landscaped Open Space (10% of lot)	11,493.154 S.F.	28,016 S.F. (24%)

BULK REGULATIONS (PARKING)	REQUIRED	PROPOSED
Stall Width (for 90°)	9 ft.	9 ft.
Stall Length (for 90°)	18 ft.	18.42 ft.
Drive Aisle Width (for 90°)	24 ft.	24 ft.
Module Width (for 90°)	60 ft.	60 ft.

BULK REGULATIONS (LANDSCAPE)	REQUIRED	PROPOSED
Island Min. Width (every 20 spaces)	7 ft.	7 ft.
Divider Width	6 ft.	6 ft.
Side Yard Perimeter	50%	50%

Traffic and Parking

As noted above, the proposed parking lot will provide accessory parking for the future tenants working at 1400 Opus Place. Improvements at 3131 Finley Road will include removing existing parking stalls along the west of the lot and replacing this with landscaping. While sufficient parking is provided for existing office users in the property to the south, the building owner anticipates that additional parking will be needed for future tenants with higher parking requirements for their staff levels.

The applicant has proposed 240 additional spaces. The aggregate of the parking stalls at 1400 Opus (782) and the proposed parking stalls at 3131 Finley (240) is 1,020 parking stalls. The existing building at 1400 Opus place has a total area of 228,069 square feet. The combined parking will provide a parking ratio of 4.5 parking spaces per 1,000 square feet, based off of gross building square footage.

ENGINEERING/PUBLIC IMPROVEMENTS

All engineering provisions including stormwater regulations have been reviewed for compliance with the Stormwater and Floodplain Ordinance. The proposed development will meet the ordinance. Any requisite building permits will be reviewed for continued compliance. As noted above, the curb cuts to the site will not be changed.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division reviewed the proposed development and noted that the building permit will need to include a new fire hydrant, connected to the Village of Downers Grove water main. The hydrant will be installed within the Branding Avenue right-of-way.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing a legal notice in *Enterprise Newspaper, Inc (The Bugle)*. Staff received an inquiry from the adjacent property owner to the north, requesting information about the project.

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March 2, 2020

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STANDARDS OF APPROVAL

Special Use

The petitioner is requesting approval for a Special Use to establish an accessory use before a principal use, as required by Section 6.010.A.3.

Section 28.12.050.H Approval Criteria – Special Uses

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

- 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.*

DRAFT MOTION

Staff will provide a recommendation at the March 2, 2020 meeting. Should the Plan Commission find that the request meets the standards of approval for the Special Use, staff has prepared a draft motion that the Plan Commission may make for the recommended approval of 20-PLC-0004:

Based on the petitioner's submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for the Special Uses as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 20-PLC-0004, subject to the following conditions:

1. The proposed Special Uses shall substantially conform to the staff report, engineering plans prepared by Bleck, originally on January 23, 2020 and revised on February 14, 2020, and to the photometric plans prepared by KSA originally submitted on January 31, 2020, except as such plans may be modified to conform to the Village codes and ordinances.
2. The parking lot must be constructed within 6 months of passage of this ordinance. If within 12 months of construction of the parking lot, the parking lot is no longer used for 1400 Opus Place or a tenant is not secured that will utilize the parking lot, a building must be constructed on the property or the parking lot must be removed and the entire site restored to green space. The Village Council is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 1 year each. Requests for extensions must be submitted to the Community Development Director and forwarded to the Village Council for a final decision.

Staff Report Approved By:



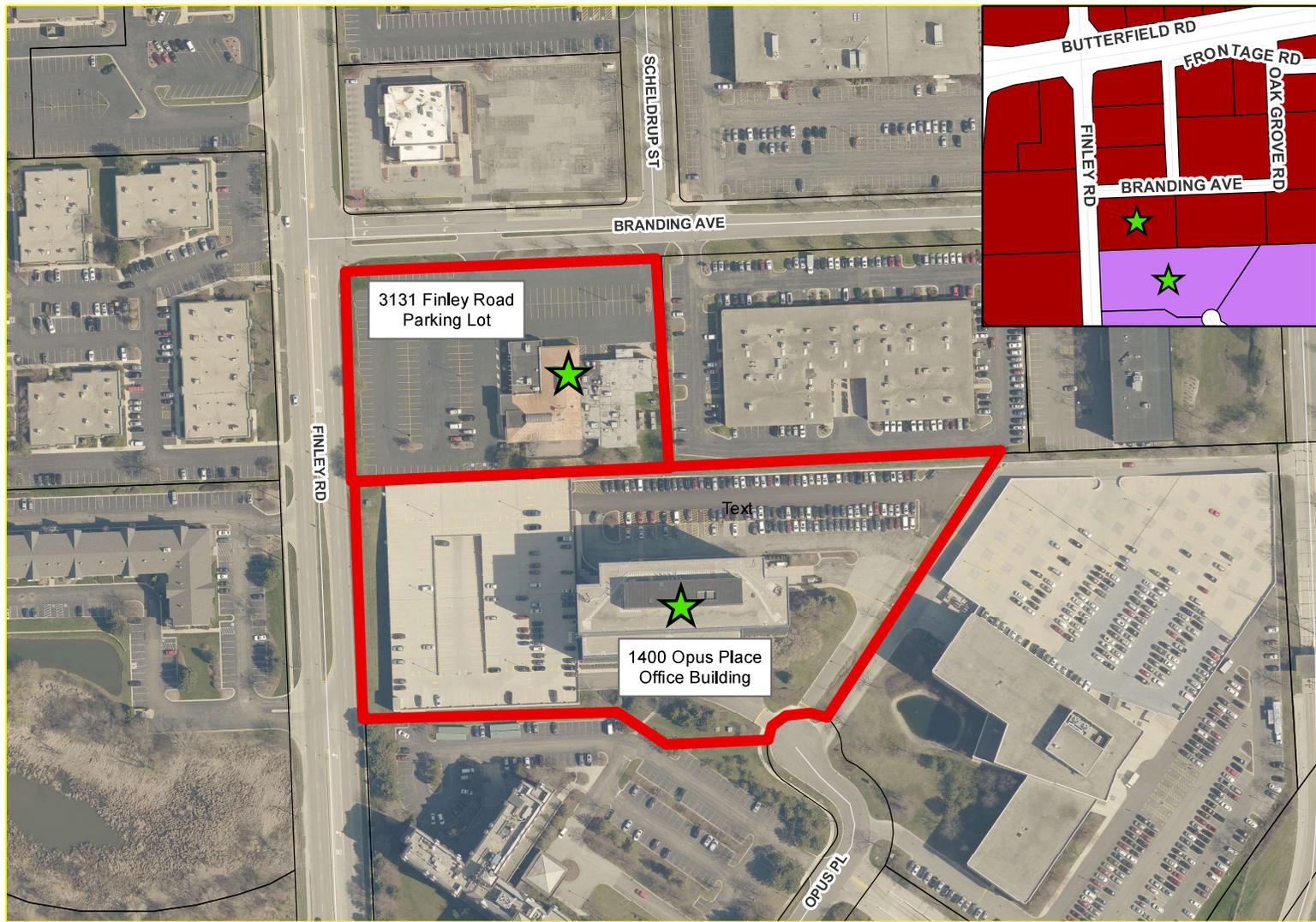
3131 Finley Road, 20-PLC-0004
March 2, 2020

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Stanley J. Popovich, AICP
Community Development Director

SP:fr
-att

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0 500 1,000
Feet

3131 Finley Road - Location Map

 Subject Property
 Project Location

**Robyn Pinson**

Director of Asset Management
445 Hutchinson Ave Suite 920
Columbus, OH 43235
614-568-6668 Ext 301

January 23, 2020

Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

RE: Special Use Request for 3131 Finley Road, Downers Grove

To Whom it May Concern:

If and when the request for the Special Use to establish parking as an accessory usage for 3131 Finley Road of Downers Grove is accepted and is to be presented in front of the planning committee; I appoint Mr. William Bennett of Altounian Construction, Inc. to represent on my behalf if I am unable to attend.

Thank you again for your consideration and please don't hesitate to contact me with any questions.

Sincerely,
ETW Land LP

A handwritten signature in blue ink that reads "Robyn Pinson".

Robyn Pinson, its Director

**Robyn Pinson**

Director of Asset Management
 445 Hutchinson Ave Suite 920
 Columbus, OH 43235
 614-568-6668 Ext 301

January 23, 2020

Rev. 2.14.2020

Department of Community Development
 Village of Downers Grove
 801 Burlington Avenue
 Downers Grove, Illinois 60515

RE: Special Use Request for 3131 Finley Road, Downers Grove
 Establish Parking as an Accessory Use – Project Narrative

To Whom it May Concern:

We would like to thank you for the opportunity to present our request to establish parking as an accessory use before principal use of the property at 3131 Finley Road in Downers Grove.

Included in this submittal please find petition for plan commission, proof of Ownership, application fee, plat of survey, review and approval criteria, certification of public notice information including addresses for neighboring businesses within 250' of the property and plan sets.

3131 Finley Road is a land parcel which includes a free-standing restaurant that has since closed from when the site was purchased by ETW Land LP on July 2, 2019. Ownership would like to demo the existing structure and is seeking special use to develop a surface parking lot to include 240 parking spaces as an accessory use for occupants in the contiguous office building, Executive Towers West III, located at 1400 Opus Place. Below is the calculation to determine how many parking spaces are allowed per 4.5/1000 parking allocation:

Building SF			Parking Ratio	Spaces Allowed	Existing 1400 Opus	Additional Spaces Requested
228,069	/ 1,000	228	4.5	1,026	782	240 ✓

Executive Towers West III is part of a three (3) building complex totaling 682,504 square feet of Class A office. Building anchor tenant, State Farm, has recently elected to close their Downers Grove location at Executive Towers West III which resulted in an 100,000 SF block of office space available for lease in this 228,069 SF building.

We have identified recent trends of office employers increasing density within their offices as an effective way of combating business costs. This has left the original 3.2/1000 parking ratio of Executive Towers West III obsolete and at a disadvantage to other competitive blocks of space throughout the East West Corridor market.

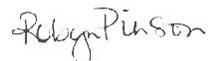
To combat this increased density trend in office space, Ownership of Executive Towers West III aggressively and successfully pursued the purchase of the contiguous restaurant site on 3131 Finley Road. This previous restaurant has struggled in another competitive industry. Ownership's aggressive pursuit to acquire this property combined with the Village's approval to allow Executive Towers West III occupants to park vehicles in this parking lot creates an attractive parking ratio for this large block of space and the potential to bring an additional 450+ jobs to Downers Grove and increase revenue stream for neighboring businesses and the community. Without this approval, other municipalities and their office projects will be the benefactor in bringing attractive office professional employees to their communities.

It is our CBRE leasing teams 55 years of personal experience in leasing office space in the East West Corridor market, including 2 million square feet of office space in Downers Grove (all 5 of the Highland Landmark Buildings from inception to completion, Highland Oaks I-II, Corridors III and now 682,000 square foot at Executive Towers I II III) that leads us to fully understand today's leasing trends. As we understand, tenants must have absolute certainty in an owner's ability to provide, not only attractive and modern office space, but proof that capital is readily available to complete tenant improvements. These assurances are within our control and we are prepared to demonstrate this during our re-tenanting procurement process. Tenants also require further assurances that parking for their employees and guests are not a vague promise, but instead a reality. These approvals allow Ownership and its leasing professionals to deliver on this most important requirement in a successful tenant procurement process. Without this additional parking we all risk losing these tenant prospects and the economic boost to the local businesses to other competitive assets in nearby municipalities. Due to the extensive analysis and financial obligations undertaken by larger tenants today when relocating, we are requesting at least a minimum of 18 months be provided by Downers Grove for this expanded parking are be allowed to remain vacant.

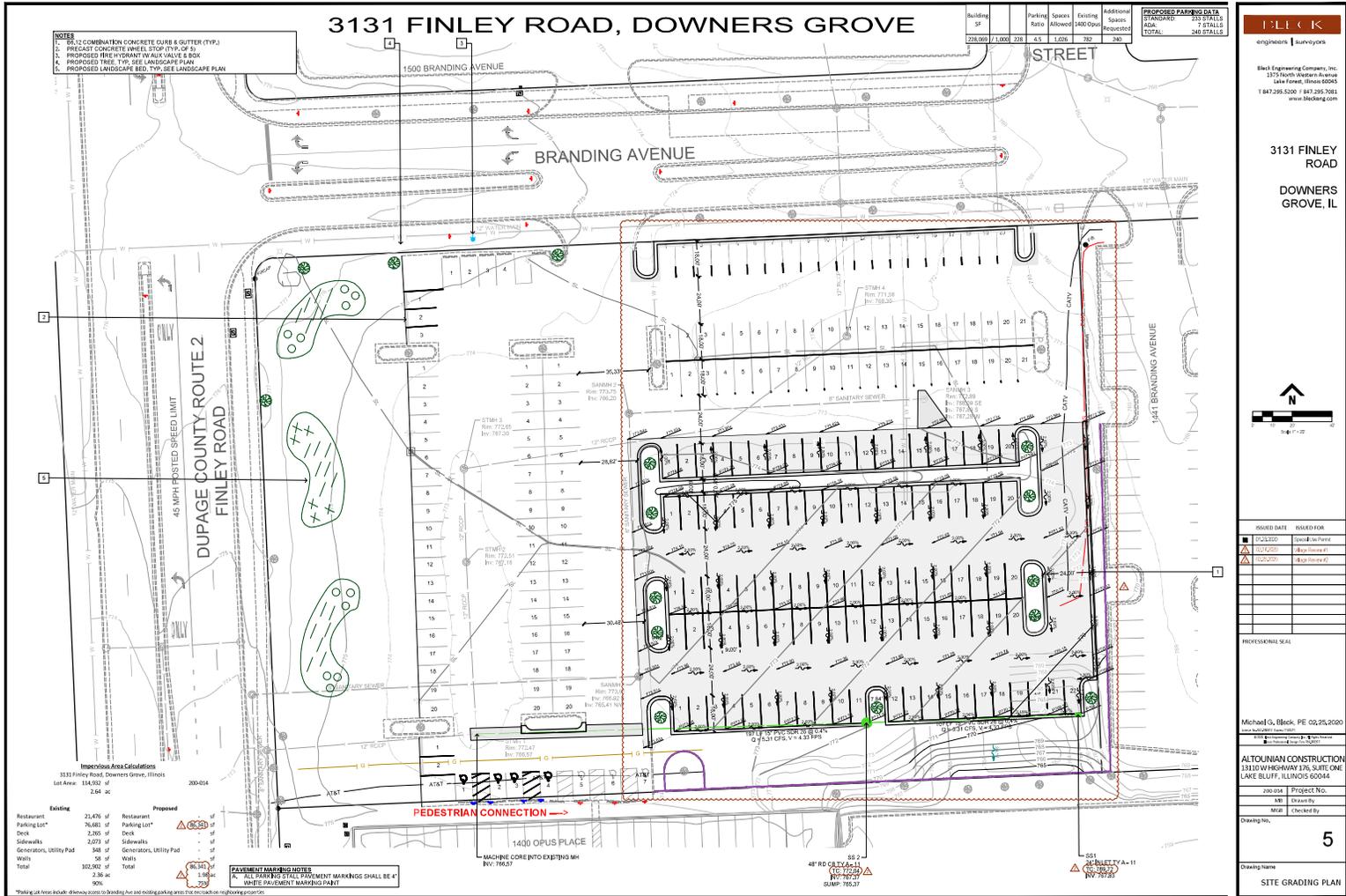
We do not plan to re-zone this property and if it is determined that the additional parking is no longer required, we will contact the Village regarding the development of a building on the land parcel. Occupancy is constantly fluctuating in our industry, but we understand that a vacant parking lot is not the Village's preference and we respect that. We hope to work with the Village to establish a timeline for special use as an accessory before principal use of the property.

We appreciate your consideration. Please contact us with any additional questions.

Sincerely,
ETW Land LP

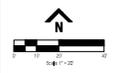


Robyn Pinson, its Director



BLICK
 engineers | surveyors
 Blick Engineering Company, Inc.
 1375 Fourth Western Avenue
 Lake Forest, Illinois 60045
 T 847.295.5200 F 847.295.7081
 www.blickeng.com

3131 FINLEY ROAD
 DOWNERS GROVE, IL



ISSUED DATE	ISSUED FOR
12/15/2020	Send for Permit
02/02/21	Revised (owner)
02/22/21	Revised (owner)

PROFESSIONAL SEAL
 Michael G. Blick, PE 02,25,2020
 www.blickeng.com

ALTOUNIAN CONSTRUCTION
 1310 W. HIGHWAY 176, SUITE ONE
 LAKE BLUFF, ILLINOIS 60044
 Project No. 200-014
 MGD: [Signature]
 Echecked by: [Signature]
 Drawing No. 5
 Drawing Name: SITE GRADING PLAN

NOT FOR CONSTRUCTION

We are requesting special use based on the need to establish an accessory use (the parking lot) prior to establishing the principal use (building) per VoDG.28.6.010.3.a.

The additional parking will be beneficial to attract a large, dense user to lease the recent 100,000 SF office space vacated by State Farm in 1400 Opus Place which is contiguous to the property. Having this desirable parking ratio will assist in bringing over 450 jobs to Downers Grove. This will benefit restaurants and businesses within Downers Grove as well as the community by bringing additional corporate offices and people to the area. See additional information attached.

The proposed use for the Site is for a parking lot and will not be detrimental to the health, safety of general welfare for those residing or working in the general vicinity. The access points to the property will not be affected and the parking ratio determined meets the maximum allowed at 4.5/1000.

Review & Approval Criteria Special Use

Standard 2 cont'd:

The original 3.2/1,000 parking ratio is obsolete and at a disadvantage to other competitive blocks of space throughout the East West corridor market. Having the additional parking is an assurance to potential tenants and not just a vague promise. This allows Ownership and its leasing professionals to deliver this most important requirement in a successful tenant procurement process. Without the additional parking, we all risk losing these tenant prospects and the economic boost to the local businesses to other competitive assets in nearby municipalities.

APPROVED MAY 18, 2020

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MINUTES
MARCH 2, 2020**

20-PLC-0004: A petition seeking Special Use approval to establish an accessory use (parking lot) before the principal use is established. The property is currently zoned B-3, General Services and Highway Business. The property is located at the northeast corner of Finley Road and Branding Avenue, commonly known as 3131 Finley Road, Downers Grove, IL (PIN: 06-30-409-009). Robyn Pinson, Petitioner and ETW Land LP, Owner.

Petitioner's Presentation:

Robin Pensen, ETW Land LP, speaking on behalf of the ownership of the property, shares that they are trying to lease the building, and need to have enough parking for the building so that they are able to lease it.

Bill Elwood, Leasing Agent, says he will speak to non-technical aspects of the project. He stated he has experience leasing for existing notable tenants within Downers Grove. State Farm announced they would vacate Executive Towers West, and are now completely vacated from the site, leaving over 100,000 square feet vacant. Trends in the marketplace show that office tenants are seeking amenities such as covered parking, fitness centers, delis, and others. Density within office spaces is increasing, and this isn't an issue in an urban market such as Chicago, however increasing densities in offices in the suburbs means more parking is required. The suburbs must compete financially with offices that do not need to require parking. Parking ratios in these buildings were 3.2 spaces per 1000 square feet of building, but now tenants are seeking up to 5 spaces per 1000 square feet due to increased density.

Bill Elwood continued that when he saw that the restaurant and parking lot was listed on the market, he recognized that this could be a unique opportunity. The property could be more effective as a parking lot than its previous purpose as a failed restaurant, and that the dense office workers brought in will have a positive impact on other local businesses. A parking deck would not be possible to be built because tenants would be displaced, and the cost of the deck would raise rents above market rate. This parking is required for the space to compete for occupancy. Other buildings may not be asking for this density because they do not cater to as high of density of users, this would not be a call center building. Mr. Elwood said he was available for questions.

Bill Bennett, Project Designer, shared that the parking for the north and west would remain parking, and a land bank along Finley Road would be turned into plantings rather than parking. A photometric study has been provided and complies with Village requirements. The proposal has maintained ADA requirements, and pedestrian access has been provided. There is a minor grade difference on the northeast corner of the site, due to having increased the impervious surface coverage, so the stormwater system has been

APPROVED MAY 18, 2020

improved. Mr. Bennett thanked staff for their time and shared that this design reflects the suggestions made by staff.

Ms. Majauskas asked for clarification that, at this point, there is not a plan to build another structure once the building is demolished. Ms. Pinson said this is correct. Ms. Majauskas further stated there are other ways to get this parking than to come to the Plan Commission. She asked why they didn't just combine the two parcels if they were under the same ownership. Mr. Elwood said that this is not a plan for perpetuity, and that how people choose to get to work in ten years from now could be very different from how people get to work today. There could come a time when these parking ratios are not required for office users.

Ms. Majauskas said that she understands that the parking is required but that the ownership should have explored other options before coming to the Plan Commission. Maybe ownership would want to divide in a different way in ten years. This is a Special Use, this is a Variance, and when there are actions that fit the rule, they should be used. A small building could be kept on the property. She asked if the intent was not to build a building. Mr. Elwood said that this is correct, there is no plan to build another building. The space is needed for parking. In ten years, maybe that will change. Mr. Zawila clarified that this is not a Variance, and the review criteria are different from that of a Variance. Mr. Maurer asked for confirmation that there would not be another use proposed. Mr. Zawila said this was correct.

Ch. Rickard asked, in referencing the approval criteria for Special Uses, if there was no main use on the property, is the parking the main use? Mr. Zawila confirmed that parking is an approved Special Use in the zoning district.

Ch. Rickard said that this is similar to a recent case from Amazon, except that a building was proposed to be built after the approval of the parking lot. Ms. Majauskas said that case was different because the lots were not continuous so they could not have combined lots.

Mr. Boyle asked how many spaces were in the lot before and after the proposal. Mr. Elwood said there would be 240 new spaces added after construction of the new lot. Mr. Boyle asked if the building was considered impervious previously. Mr. Elwood said that it had not been attractive for restaurants. Mr. Bennett said that it had been considered impervious, and this was replaced by the impervious surface of the parking lot, but the land bank would increase the pervious area overall. The change overall is a reduction in impervious surface by 6000 square feet.

Mr. Maurer asked how many spaces they had existing, and with the spaces taken away with the addition of the land bank, how many there would be. Mr. Elwood said that 782 spaces existed, and with an addition of 250 spaces, the ratio would be 4.5 spaces per 1000 square feet. Ch. Rickard referenced the letter from the applicant that echoed these numbers.

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Ms. Rollins asked about the second condition of approval, and commented that the time frame provided was not very long. Mr. Zawila said this would be addressed later.

Further discussion occurred on ADA parking spaces and compliance with the code. Mr. Boyle asked how many spaces were on the Rockwood Tap lot prior to the demolition. Mr. Bennet said there were about 170 spaces.

Ch. Rickard asked if there were any additional questions from the Commission for the applicant. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

Public Comment:

Michael Cassa, Chairman and CEO of the Downers Grove Economic and Development Corporation, said that Downers Grove is a premier location for Class A office spaces. Downers Grove is known for having a diverse economy, and is known for its premier office buildings. Recently it has been established that the greatest threat to the office space is that as the trend of collaborative work spaces increases, old office buildings that were built with old parking ratios cannot be utilized effectively. These spaces are often land locked and cannot build new parking. This is not an issue in the city, so this makes locating in the suburbs difficult for these users. Locally, Downers Grove competes with Lisle, Naperville, and Oakbrook. In these competing communities, they have larger parking facilities for their Class A office structures. We do not want to be stopped from signing a major tenant because we do not have the parking.

Mr. Cassa continued that the parking needs to be under construction before a tenant can be found. The fact that ownership has spent millions acquiring this lot shows that they are committed to serving this building. About five years ago, the Rockwood Tap inquired about selling the space, but it was too far off of Butterfield for other restaurants to be interested in the location. Also, the site is too big for a restaurant. This is a good alternate use because it will allow the Village to be as competitive as possible by giving brokers the tools they need to continue to lease space in the Village.

Ch. Rickard asked if there were any further questions or comments from the audience. None responded. He then asked staff to make a presentation.

Staff Presentation:

Flora Ramirez, Development Planner, said she is presenting an overview of the project at 3131 Finley Road, for a Special Use permit to establish the accessory use prior to establishing the principal use.

Ms. Ramirez referenced the screen where she showed a map of the property with the lot outlined. The 1400 Opus Place location, where additional parking would be added, was also outlined. Not only are these two separate parcels, but the parcel to the north is zoned B-3 while the parcel to the south is zoned O-R-M. Ms. Ramirez presented the existing

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conditions site plan, and explained what would be converted into parking. She showed the required landscaping medians and trees that would be added. Additional green space would be converted from parking spaces along Finley Road. On the north border, parking spaces would be shifted to the south as they are currently in the Village Right of Way.

Ms. Ramirez shared the Special Use approval criteria and said staff found all had been met. The first condition of approval imposed is routine and requires that the petitioner adhere to current codes and the most recent approved plan set, and the next condition has three parts. The first is that the parking lot should be constructed within six months of the ordinance approval date, the second is that if the parking lot is not serving a tenant within the 1400 Opus Place building within twelve months, then the entire lot needs to be converted to green space. The third part is that the council can extend the expiration period two times.

Ms. Ramirez asked if there were any questions for her.

Ch. Rickard noted that there were improvements being made in the area where the building was. Are any improvements being made to the existing part of the lot? Ms. Ramirez said that the existing stalls met the dimension requirements.

Ch. Rickard asked if landscape islands or other parking lot requirements were considered. Ms. Ramirez said that the existing area is not being changed. Ch. Rickard followed up asking if the part that remained would meet all requirements, had it been constructed today. Ms. Ramirez confirmed that the existing parking lot does not meet the existing standards.

Ms. Majauskas asked why the restrictions in the second condition existed because the minute someone parks there the condition has been met and also it is impossible to track. Also, why doesn't it say that if the 1400 Opus Place isn't using the parking lot then it reverts back to a building, because they call do all kinds of stuff with it once they use it for parking once. Mr. Zawila clarified that the first condition was meant to have the restaurant removed as quickly as possible, while the ownership seeks a new tenant, rather than having the vacant space sit longer. The second condition says that either a new building be built or the space be returned to green space if there is no tenant within 12 months. The third offers them the opportunity to request additional time to seek a tenant.

There was further discussion on the draft conditions. Ms Majauskas said that after one minute of parking, Downers Grove loses control and the petitioner can do whatever they want with the parking lot. Why don't we just say that after Opus Place stops using the lot then we get the lot back. At this point once they use it, they are off the hook and can use the parking lot however they want. Mr. Zawila said that the commission can recommend changes to the conditions.

A discussion occurred regarding the specific wording of the condition, and whether or not the condition allowed the tenant to use the parking lot however they wanted after having

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used it for parking once. Ch. Rickard said that with the money invested, they would want to keep using it as a parking lot.

Additional discussion occurred about policing the conditions.

Mr. Boyle asked if the green space would be used for the office tenants to enjoy. Ms. Ramirez said she would defer to the petitioner regarding programming of the green space.

Ch. Rickard asked if there were any further comments. None responded. He then closed the public hearing.

Ms. Pinson said they would be open to programming the green space. Ms. Pinson said that the need for the parking exists, and currently the office had a lower parking ratio. If acquiring the restaurant and filling it with a restaurant tenant would be more lucrative, they would have gone that route, but using it as parking is the best option.

Mr. Elwood clarified that the intent of using the parking lot is to occupy the lot with parking. They have already closed on the property. There is no other motivation than using this for parking. He explained that they would like to get a tenant right away, but it could take 12 months to 36 months, and that this is a typical timeline. They are trying to move as quickly as possible by being in front of the Plan Commission now. It is likely that the space will be filled with multiple tenants.

Ch. Rickard asked about the location of the ADA stalls. Mr. Zawila said staff would review and make sure this was up to code. Ch. Rickard asked if additional landscape islands could be added in the existing parking area. Mr. Elwood said this would cause them to lose parking and the intent is to increase parking. He added that the proposal will look better than what is out there today. Mr. Bennett said that there is landscaping in the existing parking lot as well as new landscaping proposed.

Mr. Zawila said that there is only one row of existing parking that does not meet code. All rows of 20 or more spaces must be broken up with a landscape island according to the Village code, and there is only one existing row that does not meet this requirement. Mr. Maurer asked if the existing trees were to remain or be replaced. The existing trees are larger than what would be planted if it were new. Mr. Zawila said they are remaining. Mr. Bennett said that the first row along Finley is green space. The parking stall islands will be maintained. On the west, the old curb and island will be part of green space, and the trees and islands at the end of each parking row will remain. The spaces in the Right of Way will be moved out of the Right of Way, so the landscape islands will be relocated accordingly.

Ch. Rickard said that it would only take minimal landscape islands to bring the existing lot into compliance. Mr. Bennett said that you need an island every 20 stalls, and this row is only 21 stalls. Commissioners agreed.

Ch. Rickard closed the public hearing.

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Plan Commission Discussion:

Ch. Rickard said he felt the conditions have been met and he has no problem with this petition, though he would like the location of the ADA spaces to be revisited.

Mr. Zawila said that this would be considered with the building permit and that the first Condition of Approval provided the flexibility to change the plans presented today to reflect codes.

Ms. Majauskas said she felt the petitioner is premature in the proposal. Maybe it is in the best interest of Downers Grove to keep the two parcels separate. She is ok with the use, but feels that the second condition of approval needs to be modified to say that if the parking lot is built within twelve months, and at all times is used only for 1400 Opus Place, if it ceases to be used for parking for Opus Place, then it reverts back to green space or a building is built. Also, she would be in favor of requiring the extra trees to be added.

Ch. Rickard said that this changes the intent that they can continue to keep the parking lot there if it is not occupied as long as it is still dedicated for that address. Mr. Boyle said the timeline would be effective to motivate the owner to get a tenant. Ms. Majauskas agreed.

Mr. Zawila suggested that the condition be updated to an "or" statement, if a parking lot is not constructed in six months, or a tenant is not secured within twelve months, or if the parking lot is no longer used for 1400 Opus Place, then the parking lot must be reverted to green space or a building built. Mr. Maurer said that the Village has the authority to step in if the parking lot is being used incorrectly. Ms. Majauskas said she did not want them to have the authority to go and sell the lot. Mr. Zawila said this would not be permitted, the parking lot is connected to 1400 Opus Place with this Special Use.

Mr. Maurer asked if six months enough time to build the parking lot is. Ch. Rickard mentioned that the petitioner did not object to this during their presentation.

Plan Commission Recommendation:

Ms. Majauskas made a motion stating based on the petitioner's submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for a Planned Unit Development as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 20-PLC-0004, subject to the following conditions:

1. The proposed Special Uses shall substantially conform to the staff report, engineering plans prepared by Bleck, originally on January 23, 2020 and revised on February 14, 2020, and to the photometric plans prepared by KSA originally

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submitted on January 31, 2020, except as such plans may be modified to conform to the Village codes and ordinances.

2. The parking lot must be constructed within 6 months of passage of this ordinance. If within six months of passage of construction of the parking lot, or if the parking lot is no longer used for 1400 Opus Place, or if a tenant is not secured that will utilize the parking lot, a building must be built on the parking lot, or the parking lot removed and the entire site restored to green space. The Village Council is authorized to extend the expiration period for good cause on up to two separate occasions by up to one year each. Requests for extension must be submitted to the Community Development Director, and forwarded to the Village Council for final decision.

Motion seconded by Ms. Rollins

AYES: Boyle, Johnson, Majauskas, Maurer, Patel, Rollins, Toth, Rickard

NAYS: none

The Motion passed